

Call to Order (Attendance, Agenda, Ethics)  
Review & Approve Minutes  
Design Standards & Subdivision Review Procedures  
New/Old Business  
Adjourn

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**Call to Order (Attendance, Agenda, Ethics)**

Chair Alan Grainger called the meeting to order at 2:00 pm. Design Review Board (DRB) members in attendance were Alan Grainger, Jim McNett, Joe Dunstan, Jason Wilkensen and Peter Perry. Council member Ron Peltier was present. City staff in attendance were Heather Wright Planning Manager, David Greetham Senior Planner and Christy Carr Senior Planner.

**Review & Approve Minutes**

**Motion:** I move to approve the May 21, 2018 minutes.

**Dunstan/Perry:** Motion passed 5-0.

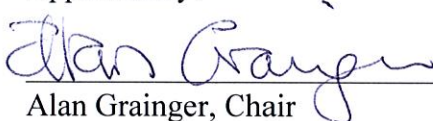
**Design Standards and Subdivision Review Process:** Christy Carr, Senior Planner  
(Study Session Only)

**New/Old Business**

**Adjourn**

The meeting adjourned at 4:00pm.

Approved by:

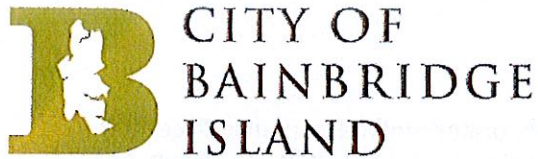
  
Alan Grainger, Chair

  
Carla Lundgren, Administrative Specialist



**PLEASE PRINT**

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## DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

### MEMORANDUM

**Date:** June 4, 2018  
**To:** Design Review Board  
**From:** Christy Carr, AICP  
Senior Planner  
**Subject:** **Role of DRB in Land Use Review Procedures**  
**Update to Design Guidelines – Scope of Services for Future Work**  
**Proposed Revisions to Subdivision Standards**

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#### I. PURPOSE OF MEETING

The purpose of the June 4, 2018 Design Review Board meeting is to:

- Discuss “Roles of City Council, Planning Commission, Design Review Board, and Hearing Examiner in Land Use Permits” – Memorandum from James E. Haney, Attorney at Law.
- Discuss scope of services for update to design guidelines.
- Continue to gather input from the DRB on proposed subdivision development standards and design guidelines, time permitting.

#### II. RECOMMENDED DRB ACTION

There is no formal action recommended for tonight’s meeting. It is anticipated the DRB will provide input and direction to staff on the subject topics.

#### III. BACKGROUND MATERIAL

Background material provided for your review includes:

- “Roles of City Council, Planning Commission, Design Review Board, and Hearing Examiner in Land Use Permits” – Memorandum from James E. Haney, Attorney at Law
- “Development Standards and Design Guidelines” – This document, prepared by Davis Studio Architecture + Design and Wenzlau Architects, presents the next iteration of proposed subdivision development standards and design guidelines. Davis Studio Architecture + Design and Wenzlau Architects will not attend the meeting.

*\*\*Staff will provide example language for DRB consideration/discussion related to BIMC 2.14 (DRB role) and BIMC 2.16 (review procedures).*

#### IV. TIMELINE AND NEXT STEPS

This work is being completed within the timeline of the existing moratorium of acceptance of certain land use applications, including all subdivisions. The current moratorium is set to expire on July 9, 2018. The City Council will consider next steps for the moratorium based on the work completed and presented at the June 19, 2018 City Council meeting.

- Staff will provide a briefing to City Council on **Tuesday, June 5, 2018 at 8:20 pm** (time approximate). This is a regular update on the moratorium workplan, which includes proposed revisions to subdivision standards and land use review procedures.
- The Planning Commission will hold a workshop and study session on **Thursday, June 7, 2018** to invite public input and continue discussion on revisions to subdivision standards and land use review procedures. Davis Studio Architecture + Design and Wenzlau Architects will give a presentation and answer questions at the meeting. **DRB members may wish to attend this meeting.**
- The Planning Commission will hold a public hearing on **Thursday, June 14, 2018 at 7:00 pm** to take public testimony on proposed Ordinance 2018-20 (revisions to subdivision standards and land use review procedures). It is anticipated the Planning Commission will provide a recommendation at this meeting on the ordinance to City Council following the public hearing and discussion.
- The City Council will consider Ordinance 2018-20 and next steps for the moratorium at their June 19 and 26, 2018 meetings, with potential action on June 26, 2018.
- A draft scope of services to update design guidelines will be provided for review and input at the June 18, 2018 DRB meeting.



## MEMORANDUM

TO: Mayor Medina and Bainbridge Island City Council  
Douglas Schulze, City Manager  
Joe Levan, City Attorney  
Gary Christensen, Director of Planning and Community Development  
City of Bainbridge Island Planning Commission  
City of Bainbridge Island Design Review Board  
City of Bainbridge Island Hearing Examiner

FROM: James E. Haney

DATE: June 1, 2018

RE: Roles of City Council, Planning Commission, Design Review Board, and Hearing Examiner in Land Use Permits

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### I. INTRODUCTION

I have been asked by the City Attorney to provide you with a memorandum outlining the ways in which the roles of the City Council, Planning Commission, Design Review Board, and Hearing Examiner could be altered in order to increase (and possibly decrease) those roles in the review of land use project permits. This memorandum incorporates significant input from the City Attorney.

As a preliminary matter, it is important to remember that Chapter 36.70B RCW (the Regulatory Reform Act) places some specific constraints on the land use permitting process, including a requirement that there be *no more than one public hearing on any land use permit and no more than one closed record appeal*. The City has flexibility in determining which of its land use approval bodies holds any required public hearing and which, if any, of its land use approval bodies holds the closed record appeal, but the law constrains the City to have only one of each and that plays a significant role in how the various land use approval bodies must interact.

It's also important to consider as a threshold matter the sheer complexity of land use law and the requirement that every land use permitting decision for which a hearing is required must be supported by written findings and conclusions. Professional hearing examiners, for example, are more used to preparing such findings and conclusions than city councils and citizen advisory bodies and this can serve a city well for the sake of clarity and in situations in which a decision is challenged. City councils and advisory bodies can certainly learn to draft or enter quality

findings, but that task often falls to city planning staff and/or to the city attorney when there is no hearing examiner involved. As a general rule, hearing examiners are much more familiar with the rules that govern those who are acting in a quasi-judicial (i.e., administrative court-like) capacity than is the case for members of city councils and advisory bodies, and that familiarity can be significant in having a system that is legally fair and impartial, both in reality and as a matter of perception.

With such preliminary considerations in mind, the remainder of this memorandum lays out the role envisioned for each of the land use approval bodies in state law, the role laid out for these bodies in the Bainbridge Island Municipal Code (BIMC), and the ways in which those roles might be restructured to provide more or less involvement from each of the land use approval bodies.

## **II. BAINBRIDGE ISLAND CITY COUNCIL**

### **State Law Role:**

While the role of a city council in legislative matters such as the adoption and amendment of comprehensive plans and development regulations is clearly defined under state law, its role in land use permit approvals is more flexible and is generally governed by whatever land use permitting ordinances the city adopts. With respect to the adoption and amendment of comprehensive plans and development regulations, state law requires that the “planning agency” of the city (the planning commission) hold at least one public hearing on the adoption or amendments. The city council must then adopt or amend the comprehensive plan or development regulations and may, but is not obligated to, hold additional public hearings of its own prior to taking final action. Because the adoption or amendment is legislative and must be accomplished by ordinance, a city council cannot delegate this power and must be the final step in the process.

With respect to land use permits, however, this power is generally administrative, and the council may delegate it or keep it as it sees fit, unless state law specifically requires council involvement. Site specific rezones is the one activity where council involvement is required, because site specific rezones must be approved by ordinance and the council is the only body that has the authority to adopt ordinances.

### **BIMC Role:**

Under the BIMC as it currently exists, the City Council has retained a role in three land use project permit decisions: (a) the approval of final long subdivisions; (b) the approval of site-specific rezones; and (c) the approval of permits considered under consolidated permit review whenever the council is the approval authority on any one of the consolidated permit applications.

### **Possible Changes to Increase Council Involvement:**

If the City Council desires to increase its involvement in land use permit matters, there are multiple ways in which the City Council could do so. First, the hearing examiner system the City currently has is optional under state law. In other words, while the City has the authority to create a hearing examiner and to delegate authority to that examiner to hear and decide certain types of applications, like conditional use permits, preliminary plats, shoreline permits, etc., and to hear and decide appeals from SEPA and permitting decisions made by staff, the Council does not have to delegate that authority and could abolish the hearing examiner system and retain authority over any or all of the decisions that are currently delegated.

Pros of such an approach include:

- The Council would have decision-making authority in some or all of the matters now decided by the Hearing Examiner.

Cons of such an approach include:

- The workload currently shouldered by the Hearing Examiner would be transferred to the Council.
- The Council would also have new constraints on its ability to communicate with its constituents on land use permitting matters since the appearance of fairness statutes, which are intended to prohibit communications outside of the hearing process, would apply.

Second, state law provides that the City Council may, by ordinance, specify that a hearing examiner's decision has either (a) the effect of a recommendation to the Council, or (b) on every type of land use permit other than a site-specific rezone, the effect of a final decision. If the Council wants to retain the hearing examiner system but to gain more authority over the land use permits considered by the Hearing Examiner, the Council could change the effect of the Hearing Examiner's decisions from the current final decision to a recommendation. Again, one must keep in mind that land use permitting processes are limited to one open record hearing and one closed record appeal, so if the Hearing Examiner conducted the public hearing on a land use permit application before making a recommendation, the Council's review would be limited to the record created by the Examiner and the Council could not take additional evidence.

Pros of this approach include:

- The Council would have the final decision-making authority in some or all of the matters now decided by the Hearing Examiner, but without taking on all of the Hearing Examiner's workload.

Cons of this approach include:

- The additional workload that would get shifted from the Hearing Examiner to the Council;
- Appearance of fairness constraints;
- The limitation on taking additional evidence;
- Since no additional evidence can be taken, it may be difficult to support a decision that differs from the Hearing Examiner's recommendation.

Third, if the Council wants to retain the hearing examiner system and continue to have the Hearing Examiner make final decisions, the Council could insert itself as an appellate body above the Hearing Examiner and prior to court review. Under the Land Use Petition Act, Chapter 36.70C RCW, all final land use decisions of a city are appealable to superior court within 21 days after the decision is issued.

Currently, the City has provided in the BIMC for decisions by the Hearing Examiner to be appealable directly to the superior court. If the Council wanted to increase its involvement, it could amend the BIMC to make Hearing Examiner decisions appealable to the Council and only final Council decisions appealable to the courts. The Hearing Examiner would hold the hearing and make a decision and because of the "one open record hearing, one closed record appeal" limitation, the Council could not take new evidence but would decide the appeal based on the Hearing Examiner's record and appeal criteria that would have to be set forth in the City's regulations.

Pros of this approach include:

- The Council would have final authority on some or all of the matters currently determined by the Hearing Examiner, but because the authority would be limited to appeals, not all of the Hearing Examiner's workload would shift to the Council.

Cons of this approach include:

- Appearance of fairness limitations;
- The limitation on new evidence;
- The limitation on the ability to overturn the Hearing Examiner's decision without finding that the Hearing Examiner erred in some way.

#### **Possible Changes to Decrease Council Involvement:**

The above discussion indicates how the City Council could increase its involvement in land use permits, but it is possible to decrease the Council's role as well. Of the three roles the City Council has retained, two are mandated by state law. As noted above regarding the first role, state law requires that site-specific rezones be approved by ordinance (because they amend the zoning map, which is adopted by ordinance). Regarding the second role, the Regulatory Reform



Act mentioned above also requires the City to have a consolidated permit process whereby a developer seeking multiple permits that would ordinarily go to more than one land use approval body can have those permits consolidated for review by one body only, with that body being the highest city authority that would review any of the permits. In Bainbridge Island, that authority is the Council, and if the permits applied for are included a site-specific rezone, all consolidated permits could be elevated to the Council level.

However, regarding the third role over which the City Council has retained authority, final long subdivision approvals, such a role is not required for the Council by state law. In 2017, the state legislature amended the state subdivision law to allow city councils to delegate this authority to another land use approval authority, e.g., the hearing examiner, the planning director, or the planning commission. State law does not require the council to delegate the authority, so the Bainbridge Island City Council could remain the approval body for final long subdivisions, but it no longer has to. If the Council wants to decrease its involvement in land use permitting, this is a way it could do so.

Pros of such an approach include:

- As described below, some cities have, for example, delegated final long subdivision approval authority to the Hearing Examiner on the theory that the Examiner is in the best position to determine whether the conditions the Examiner imposed on the preliminary plat have been met.
- Other cities have delegated (or are considering delegating) final long subdivision approval authority to staff based on the theory that the decision is ministerial, and that staff is capable of making such a determination.
- Such a delegation would decrease the Council's workload to some extent, and allow the Council to remove itself from a quasi-judicial role in which it currently engages and which can be a difficult role for Councilmembers due to appearance of fairness considerations.

Cons of such an approach include:

- The Council would be delegating a decision its making currently to some other body or person (e.g., hearing examiner, planning director, planning commission) and would thereby reduce its decision-making authority.
- The workload of the Hearing Examiner, Director of Planning and Community Development, and/or Planning Commission would increase to some extent.

### **III. PLANNING COMMISSION**

#### **State Law Role:**

As noted above, planning commissions have a clear role under state law in the legislative processes used in adopting and amending comprehensive plans and development regulations. As the "planning agency" of a city, the planning commission must hold at least one public hearing

on any proposed comprehensive plan or development regulation adoption or amendment and must make a recommendation on the same to the city's legislative body, i.e., the city council.

With respect to land use permitting actions, however, cities have the choice to decide what role to provide their planning commissions. The hearing examiner system is optional under state law and it is possible for a city to empower their planning commission to perform all of the functions that a hearing examiner can perform, e.g., hearing and deciding/making recommendations on project permits such as conditional use permits, preliminary plats, and shoreline permits, and hearing appeals from city staff decisions. The role of the planning commission is whatever the city decides it to be, within certain constraints, as described in more detail below.

#### **BIMC Role:**

Under the BIMC, the Bainbridge Island Planning Commission's role in land use permitting is limited to making recommendations on major site plan and design reviews and housing demonstration projects, and, when requested by the Director of Planning and Community Development or the Hearing Examiner, on other permits such as shoreline substantial development permits, major conditional use permits, and major variances. In order to avoid violating the "one open record hearing and one closed record appeal" requirement, the Planning Commission makes these recommendations after conducting a public meeting, not a public hearing.

#### **Possible Changes to Increase Planning Commission Involvement:**

If the City Council wishes to increase the Planning Commission's role in the permitting process, it has a couple of options. Because the hearing examiner system is an alternative to using the Planning Commission to conduct permit hearings, it would be possible to amend the BIMC to transfer all or any part of the Hearing Examiner's functions to the Planning Commission. The Planning Commission could replace the Hearing Examiner as the primary hearing authority on particular permit applications or on all permit applications.

Pros of such an approach include:

- To give the Planning Commission more input or control over those applications the Council decides to give the Planning Commission jurisdiction over.

Cons of such an approach include:

- Shifting some or all of the Hearing Examiner's workload to the Planning Commission and thereby detracting from the Commission's ability to complete its other work.
- Imposing the appearance of fairness limitations discussed above on the Planning Commission, and making it harder for the Commission to separate its legislative policy-making role from an adjudicatory permitting role.

- Most jurisdictions have gone to the hearing examiner system in order to avoid these negatives and the few jurisdictions that have continued to use a planning commission for such decisions are small enough that the commission's workload is not seen as an issue.

The other option to increase the Planning Commission's role is to work within the current construct and increase the Planning Commission's authority to make recommendations. As noted above, the Planning Commission is required to make recommendations on major site plan and design review projects and on housing demonstration projects, but the Commission makes a recommendation on other permits only if requested to do so. A way to increase the Planning Commission's role would be to expand the number of permit types on which the Planning Commission may weigh in or to make the receipt of a Planning Commission recommendation mandatory.

Pros of such an approach include:

- To give the Planning Commission a more formal and mandatory role in land use permitting.

Cons of such an approach include:

- The same cons as would be the case if the Planning Commission was substituted for the Hearing Examiner (although the workload shift would be less).
- Possible impacts on the timely processing of permits.
- Under the Regulatory Reform Act mentioned above, review of most permits is required to be completed within 120 days after a complete application is filed. Adding a mandatory Planning Commission recommendation into some permits could make this timeline difficult or impossible to meet and would, at the very least, lengthen the time by which such decisions are made.

#### **Possible Changes to Decrease Planning Commission Involvement:**

If the Council desires to decrease the Planning Commission's involvement in land use permitting, it could eliminate the Planning Commission's mandatory recommendation on major site plan and design review projects and housing demonstration projects, or on the ability of the Hearing Examiner or the Director of Planning and Community Development to request Planning Commission review in other matters. This would be done by amending the BIMC to change those roles. Because state law does not mandate Planning Commission involvement in any particular development application, the Council would be free to take any action to alter the Planning Commission's role that it sees fit.

Pros of such an approach include:

- The Planning Commission would have a decreased workload, which would require less of a commitment from its members.

- The Commission would have more time to focus on legislative matters, rather than matters involving specific projects.
- Less need for staff support in assisting the Planning Commission with its work.

Cons of such an approach include:

- Less of an opportunity to receive Planning Commission and public input on certain projects.
- Could increase the Council's workload in considering matters for which the Council currently receives input from the Planning Commission.

#### **IV. DESIGN REVIEW BOARD**

##### **State Law Role:**

There are no state law provisions governing the matters that can be assigned to design review boards. The creation, composition, and duties of such boards are entirely within the discretion of the jurisdiction creating them.

##### **BIMC Role:**

Under the BIMC, the City's Design Review Board (DRB) serves in an advisory capacity to the Director of Planning and Community Development, the Hearing Examiner, and the Planning Commission on site plan and design reviews, conditional use permits, and housing design demonstration project applications. Applications related to single-family residences such as family day care homes, minor/major home occupations, and single-family residential height variations are exempt from DRB consideration. In addition, applications related to utility facilities and to outdoor recreation facilities are exempt from DRB consideration. In order to avoid violation of the "one open record hearing and one closed record appeal" requirement, the DRB makes its recommendations after conducting a public meeting, not a public hearing.

##### **Possible Changes to Increase DRB Involvement:**

Because the DRB has no mandatory role in land use permitting under state law, the City Council is free to increase or decrease the DRB's role from that currently prescribed by the BIMC. There are two ways in which the DRB's role could be increased. First, the City could expand the number and type of permit types which the DRB reviews, i.e., remove the exceptions from DRB review that are set forth in the BIMC or extend the DRBs involvement beyond site plan and design review, conditional use permits, and review of housing design demonstration project applications. Second, the City Council could make the design standards used by the DRB even more robust than they are now. While either of these options is available, the ability to make them effective may be limited by the need to balance the roles of the land use approval bodies involved in the process and the desires of the community for more (or less) design regulation.



Pros of such an approach include:

- To give the DRB a more formal and mandatory role in land use permitting.
- To allow for enhanced adherence to design guidelines and standards.

Cons of such an approach include:

- Possible impacts on the timely processing of permits.
- As mentioned above, under the Regulatory Reform Act review of most permits is required to be completed within 120 days after a complete application is filed. Adding a mandatory DRB recommendation into some permits could make this timeline difficult or impossible to meet and would, at the very least, lengthen the time by which such decisions are made.

#### **Possible Changes to Decrease DRB Involvement:**

As far as decreasing the DRB's role, the City could do so in at least three ways: (a) decrease the number and type of permits for which design review is required; (b) make the City's design review standards less robust; or (c) assign design review to another body, e.g., the Planning Commission or Hearing Examiner. The City Council is free to expand or contract the DRB's authority as the Council believes is appropriate.

Pros of such an approach include:

- The DRB would have a decreased workload, which would require less of a commitment from its members.
- The DRB could focus more on legislative matters, rather than matters involving specific projects.
- Less need for staff support in assisting the DRB with its work.

Cons of such an approach include:

- Less of an opportunity to receive DRB and public input on certain projects.
- Could decrease adherence to design guidelines and standards.
- Could increase the Council's workload in considering matters for which the Council currently receives input from the DRB.

## **V. HEARING EXAMINER**

### **State Law Role:**

As mentioned a few times above, the hearing examiner system is optional under state law. Cities adopting the hearing examiner system have the option to decide which permit applications and

decisions will be assigned to the examiner. These may include, but are not limited to, applications for preliminary and final plat approval, conditional use permits, variances, and shoreline permits, appeals from administrative permit decisions, and appeals from SEPA threshold determinations and EIS adequacy decisions. Cities also have the option of: (a) giving the hearing examiner's decision the effect of a recommendation to the city council; or (b) giving the hearing examiner's decision the effect of a final decision subject to appeal to the city council within a specified time limit; or (c) except in the case of a site-specific rezone, giving the hearing examiner's decision the effect of a final decision appealable to the superior court (which is the current system for the City of Bainbridge Island).

#### **BIMC Role:**

Under the BIMC, the Hearing Examiner has been given the broadest authority that it is possible for the City to give a hearing examiner under state law, with one exception. The BIMC currently provides that the decision to approve or disapprove a final long subdivision lies solely with the City Council. While this was a requirement of state law prior to 2017, the state legislature amended the state subdivision law last year to allow a city council to delegate this function.

#### **Possible Changes to Increase Hearing Examiner Involvement:**

The only way to increase the Hearing Examiner's involvement in land use permitting in the City of Bainbridge Island would be to delegate the City Council's authority over the approval or disapproval of final long subdivisions to the Examiner.

Pros of such an approach include:

- Some cities have done this on the theory that the Hearing Examiner is in the best position to determine whether the conditions the Examiner imposed on the preliminary plat have been met.
- Other cities have delegated (or are considering delegating) final long subdivision approval authority to staff based on the theory that the decision is ministerial, and that staff is capable of making such a determination.
- Such a delegation from the Council to the Hearing Examiner would decrease the Council's workload to some extent, and allow the Council to remove itself from a quasi-judicial role in which it currently engages and which can be a difficult role for Councilmembers due to appearance of fairness considerations.

Cons of such an approach include:

- The City Council would lose some decision-making authority by delegating a decision its making currently to the Hearing Examiner.
- Such a delegation would increase the Hearing Examiner's workload to some extent.

### **Possible Changes to Decrease Hearing Examiner Involvement:**

With respect to decreasing the Hearing Examiner's role in land use permitting, the options set forth above for increasing the Council's role, the Planning Commission's role, and the DRB's role virtually all involve a commensurate reduction in the role of the Hearing Examiner. Again, because the hearing examiner system is entirely optional and because there are various options for how to structure the authority of the hearing examiner within an adopted system, the Council has flexibility to determine what role best fits the City's needs.

Pros for this approach include:

- Would allow for an increase in the role of the Council, the Planning Commission, and/or the DRB in the land use permitting process.
- The City wouldn't have to pay to support the Office of the City's Hearing Examiner.

Cons for this approach include:

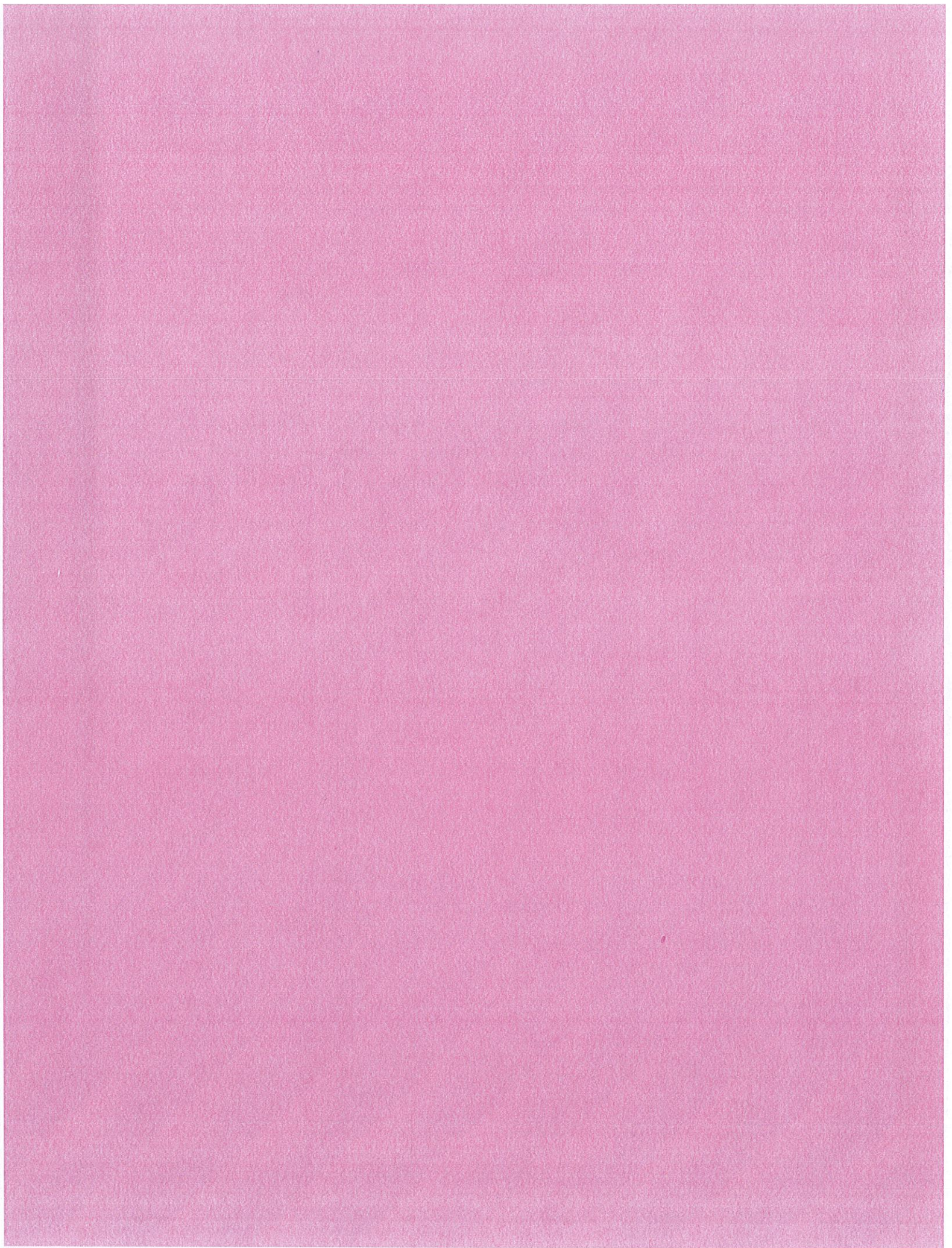
- A strong argument in favor of retaining the hearing examiner system and giving the Hearing Examiner a preeminent position in the City's land use permitting process is the complexity of land use law and the requirement that every land use permitting decision for which a hearing is required must be supported by written findings and conclusions.
- Professional hearing examiners are more used to crafting such findings and conclusions than city councils and citizen advisory bodies and this can serve a city well in terms of clarity and when a decision is challenged.
- Citizen advisory bodies can certainly learn to draft or enter quality findings, but that task often falls to the city planning staff and/or to the city attorney when there is no hearing examiner involved.
- If the City decides to decrease the role of the Hearing Examiner in land use permitting, it should consider how this function will be performed.

## **VI. CONCLUSION**

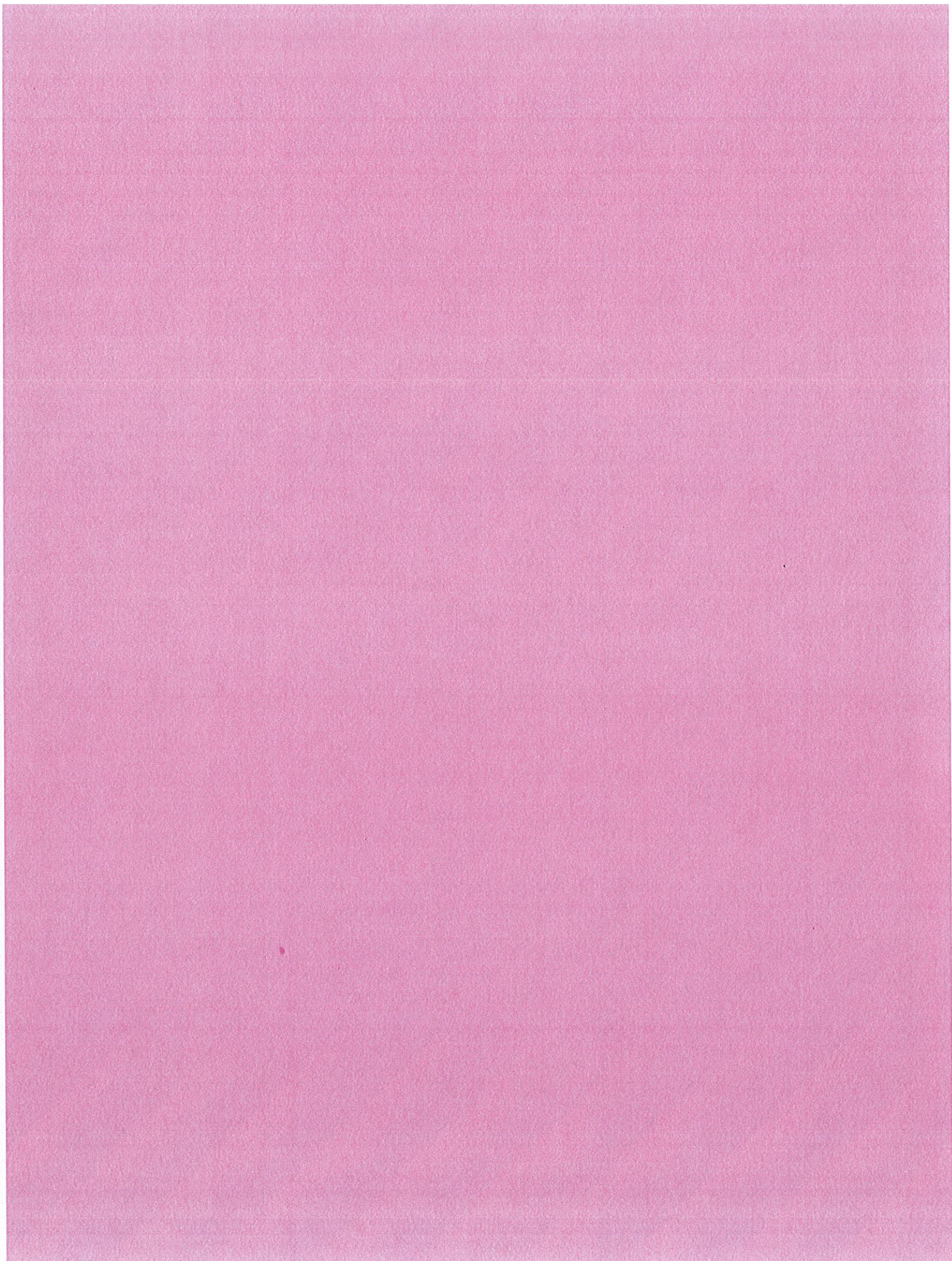
The City of Bainbridge Island has many options for how it structures its land use permitting system. Currently, the City has given the Hearing Examiner the broadest possible powers that state law allows, with the exception of power over final long subdivision approvals. Washington law is very flexible, however, and provides few restraints on the way in which cities can structure the permitting process. The City Council can increase or decrease the role of any of its land use approval bodies in the process until it finds the right balance to meet the desires of those bodies and the community at large.













DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

MEMORANDUM

**Date:** June 4, 2018  
**To:** Design Review Board  
**From:** Christy Carr, AICP  
Senior Planner  
**Subject:** Role of DRB in Land Use Review Procedures

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Discussion at previous DRB and Planning Commission meetings has included ideas and alternatives for potential changes to the land use review procedure for major projects, including subdivisions, site plan design review (SPR), and major conditional use permits (CUP) in general, and changes to the role of the DRB specifically. These discussions address Policy LU 6.8 of the City's Comprehensive Plan, cited in the City Council's January 9, 2018 development moratorium:

*Review and specify the authority and the role of the Design Review Board, Hearing Examiner, Planning Commission and City Council in the land use development review and decision-making process. Land use actions can be ministerial, quasi-judicial and legislative in nature. As part of this review, consider a role for the Planning Commission and/or Design Review Board in reviewing preliminary long subdivisions.*

Based on this policy direction, discussion at previous DRB and Planning Commission meetings, and "Roles of City Council, Planning Commission, Design Review Board, and Hearing Examiner in Land Use Permits" – Memorandum from James E. Haney, Attorney at Law, staff is providing an option for a revised review procedure for preliminary subdivisions, SPRs, and CUPs. Applicable sections of BIMC 2.14 and 2.16 that would require revisions are attached (see yellow highlighted text).



**Review Procedure for Preliminary Long Subdivisions, Site Plan and Design Review (SPR), and Major Conditional Use Permits (CUP)**

| No. | Step                                  | Explanation/Notes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|-----|---------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1   | Conceptual Proposal Review            | <p>HDDPs currently require a conceptual proposal review that is held by/with staff only. Its purpose is to determine if the proposal is eligible to be considered as an HDDP and to assist the applicant with understanding HDDP components and application requirements. This review could be changed several ways:</p> <ul style="list-style-type: none"> <li>• Require for HDDP, preliminary long subdivisions, SPRs, and major CUPs</li> <li>• Combine this review with what is now the public participation meeting and pre-pre-application with DRB. The review would be held at a (public) DRB meeting.</li> <li>• Develop an email listserv of all attendees to be notified when the pre-application is submitted.</li> <li>• The purpose is to identify issues and opportunities about the site and proposed project, review applicable design guidelines, determine neighborhood priorities among design guidelines, and explore design concepts and options.</li> <li>• Project proponents must present an initial site analysis, photos, one or more project concepts or alternatives, description of objectives, description of applicable BIMC requirements and potential departures.</li> </ul> |
| 2   | Pre-application conference with staff | No changes anticipated, unless DRB/PC want to have pre-application materials routed to them for review.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 3   | Application                           | No changes anticipated.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 4   | DRB Recommendation Meeting            | <p>DRB reviews project for compliance with design guidelines.</p> <ul style="list-style-type: none"> <li>• Design guidelines checklist used (see City of Redmond example)</li> <li>• DRB makes determination that project does or does not comply with applicable design guidelines.</li> <li>• DRB recommends to Planning Commission whether to approve or approve with conditions.</li> <li>• Compliance with recommendation of DRB is made a condition of underlying permit approval, unless Planning Commission concludes the recommendation exceeds authority of DRB, conflicts with SEPA conditions or other regulatory requirements, or reflects inconsistent application of design guidelines</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 5   | PC Review                             | <p>PC current review:</p> <ul style="list-style-type: none"> <li>• SPR and HDDP: Public meeting and recommendation to Director for administrative decision</li> <li>• CUPs: Public meeting and recommendation to HEX for quasi-judicial decision</li> <li>• Subdivisions: No role; currently HEX public hearing and decision, final subdivision approval by Council</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |





**2.14.040 Design review board.****A. Membership – Appointment – Term.**

1. There is created a design review board (board) for the city. The design review board shall consist of seven members who shall be appointed by the mayor and confirmed by the city council. Board membership shall include at least one representative with expertise in the following disciplines and/or groups: landscape architecture; urban design; public art committee or local artist; developers; at-large community member; and at least two architects. The members of the design review board shall not be officers or employees of the city or appointed to another city committee, board or commission, except for specialized committees or task forces of limited duration.

2. The members of the board shall serve without compensation. The terms for appointed members shall be three years, commencing on July 1st and ending on June 30th three years later. Members shall be appointed to a position number, and the terms are to be staggered, with no more than three positions expiring in any given year. A member may be reappointed, and shall hold office until his or her successor has been appointed and has qualified. No member shall serve more than three consecutive terms unless the city council determines that special expertise is required, or there are no other qualified applicants.

**B. Vacancies – Removal.** In the event of a vacancy, the mayor, subject to the confirmation of the city council, shall make an appointment to fill the unexpired portion of the term of the vacated position in accordance with the city's appointment cycle. Unexcused absence by any member from three consecutive meetings shall constitute grounds for removal. Members may be removed upon a majority vote of the city council.

**C. Organization.**

1. The board shall select one member to serve as chair for a one-year term at the first regular meeting of each year.

2. The board shall adopt such rules and regulations as are necessary to accomplish its duties and responsibilities. These rules and regulations shall be published on the city's web site.

3. The city shall provide necessary supplies and support staff to the board, consistent with available resources.

4. The city shall provide city email accounts to board members and related training on the use of email accounts, including personal computer privacy expectations while serving on the board.

**D. Duties and Responsibilities. The board shall have the following duties and responsibilities:**

1. Serve in an advisory capacity to the director, hearing examiner, and planning commission, as applicable, regarding site plan and design reviews and conditional use permits pursuant to BIMC 2.16.040, 2.16.050, and 2.16.110 that are subject to city-adopted design guidelines. Applications related to single-family residences such as family day care homes, minor/major home occupations, and single-family residential height variations are exempt from design review board consideration. In addition, applications related to utility facilities and to outdoor recreation facilities are exempt from design review board consideration.

2. Review and make recommendations to the planning commission and the city council on changes, amendments and/or additions to the design guidelines.

3. Serve in an advisory and review capacity to housing design demonstration project applications pursuant to BIMC 2.16.020.Q, including those design demonstration project applications involving land subdivision.

4. Such other duties and responsibilities as may be provided by resolution or ordinance of the city council.

5. Report annually to the city council prior to the start of the budget process.

**E. Open Meetings.** All board meetings shall be open to the public and held in accordance with the Open Public Meetings Act (Chapter 42.30 RCW). The board, in its discretion, may allow interested citizens to speak and submit documents.

F. Public Records. For meetings consisting of a majority of the then serving members, the board shall provide public notice of the meeting and shall keep a record of its meeting minutes. Minutes of each meeting, including a record of attendance, shall be prepared by the secretary and approved and signed at a subsequent meeting. The minutes do not need to reflect the actual discussion, but only the formal actions taken by the design review board. The approved meeting minutes shall be posted on the city's web site.

G. Quorum. A majority of the appointed members then serving on the board shall constitute a quorum.

H. Conflict of Interest. Design review board members shall sign a conflict of interest statement in accordance with the city's ethics program upon appointment and any reappointment. If a design review board member is an applicant for an application under review by the board, has a financial interest in a project, or is a paid or unpaid advocate, agent or representative for such applicant, the board member shall not participate in review of and recommendation on the application, and he or she will be asked to leave the meeting facility prior to commencement of discussion of that agenda item. (Ord. 2014-19 § 1, 2014; Ord. 2011-02 § 2 (Exh. A), 2011)

#### 2.16.005 Purpose.

The purpose of this chapter is to establish standard procedures for all land use applications processed by the city, to promote timely and informed public participation in those procedures, to eliminate redundancy in the application, permit review, and appeal procedures, to minimize delay and expense, and to result in development approvals that further city goals as set forth in the comprehensive plan. In addition, the purpose of this chapter is to establish the process for adopting and amending Growth Management Act ("GMA") development regulations, to ensure early and continuous public participation in the creation and amendment of development regulations, which implement the city's comprehensive plan. Additional specific purposes for some types of approval are included in BIMC 2.16.030 through 2.16.210. (Ord. 2011-02 § 2 (Exh. A), 2011)

#### 2.16.010 Land use procedures summary table.

Table 2.16.010-1: Summary Table of Land Use Procedures

| R = Review and Recommendation, (R) = Optional Review, D = Decision, A = Appeal, P = Public Hearing, (P) = Optional Public Hearing |            |                |          |                  |              |        |
|-----------------------------------------------------------------------------------------------------------------------------------|------------|----------------|----------|------------------|--------------|--------|
|                                                                                                                                   | <u>DRB</u> | Planning Comm. | Director | Hearing Examiner | City Council | Courts |
| <b>Administrative Approvals</b>                                                                                                   |            |                |          |                  |              |        |
| Clearing Permit                                                                                                                   |            |                | D        | A                |              |        |
| Conversion Option Harvest Plan Permit                                                                                             |            |                | D        | A                |              |        |
| Minor Conditional Use                                                                                                             | (R)        | (R)            | D        | A                |              |        |
| Minor Variance                                                                                                                    |            | (R)            | D        | A                |              |        |
| Agricultural Conditional Use                                                                                                      |            |                | D        | A                |              |        |
| Large Lot Subdivisions (Prelim)                                                                                                   |            |                | D        | A                |              |        |
| (Final)                                                                                                                           |            |                | D        |                  |              | A      |
| Minor Shoreline Variance [1]                                                                                                      |            | (R)            | D        | A                |              | A [2]  |
| Minor Shoreline Conditional Use [1]                                                                                               |            | (R)            | D        | A                |              | A [2]  |
| Public Works Administrative Decisions                                                                                             |            |                | D        |                  |              | A      |



| <b>R = Review and Recommendation, (R) = Optional Review, D = Decision, A = Appeal, P = Public Hearing, (P) = Optional Public Hearing</b>                                                                                                                                                                                                                                                                                                                          |            |                       |                 |                         |                     |               |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|-----------------------|-----------------|-------------------------|---------------------|---------------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <b>DRB</b> | <b>Planning Comm.</b> | <b>Director</b> | <b>Hearing Examiner</b> | <b>City Council</b> | <b>Courts</b> |
| SEPA Determinations                                                                                                                                                                                                                                                                                                                                                                                                                                               |            |                       | D               | A                       |                     |               |
| Shoreline Substantial Development Exemption [1]                                                                                                                                                                                                                                                                                                                                                                                                                   |            |                       | D               | A                       |                     |               |
| Shoreline Substantial Development [1]                                                                                                                                                                                                                                                                                                                                                                                                                             |            | (R)                   | D               | A                       |                     | A [2]         |
| Short Subdivisions (Prelim)                                                                                                                                                                                                                                                                                                                                                                                                                                       |            |                       | D               | A                       |                     |               |
| (Final)                                                                                                                                                                                                                                                                                                                                                                                                                                                           |            |                       | D               | A                       |                     | A             |
| Sign Permits                                                                                                                                                                                                                                                                                                                                                                                                                                                      |            |                       | D               |                         |                     | A             |
| Minor Site Plan and Design Review                                                                                                                                                                                                                                                                                                                                                                                                                                 | (R)        | (R)                   | D               | A                       |                     |               |
| Major Site Plan and Design Review (Any SPR in the B/I district must be processed through a major SPR)                                                                                                                                                                                                                                                                                                                                                             | R          | R                     | D               | A                       |                     |               |
| Critical Area Permit – Major and Minor                                                                                                                                                                                                                                                                                                                                                                                                                            |            |                       | D               | A                       |                     |               |
| All other administrative decisions: This includes agricultural retail plans, boundary line adjustments (See BIMC 2.16.090), building and other construction permits, building administrative decisions, clearing permits, BIMC interpretations, vegetation management permit (See BIMC 16.22.070), extension of construction noise hours (See BIMC 16.16.025), and any other administrative land use decision authorized by this code to be made by the director. |            |                       |                 |                         |                     |               |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |            |                       | D               | A                       |                     |               |
| <b>Quasi-Judicial Decisions by the Hearing Examiner</b>                                                                                                                                                                                                                                                                                                                                                                                                           |            |                       |                 |                         |                     |               |
| Conditional Use Permits                                                                                                                                                                                                                                                                                                                                                                                                                                           | (R)        | (R)                   | R               | D/P                     |                     | A             |
| Variances                                                                                                                                                                                                                                                                                                                                                                                                                                                         |            | (R)                   | R               | D/P                     |                     | A             |
| Reasonable Use Exception (See BIMC 16.20.080)                                                                                                                                                                                                                                                                                                                                                                                                                     |            | (R)                   | R               | D/P                     |                     | A             |
| Major Shoreline Variances [1]                                                                                                                                                                                                                                                                                                                                                                                                                                     |            | (R)                   | R               | D/P                     |                     | A [2]         |
| Major Shoreline Conditional Use Permits [1]                                                                                                                                                                                                                                                                                                                                                                                                                       |            |                       | R               | D/P                     |                     | A [2]         |
| Long Subdivisions (Prelim)                                                                                                                                                                                                                                                                                                                                                                                                                                        |            |                       | R               | D                       |                     | A             |
| <b>Quasi-Judicial Decisions by City Council</b>                                                                                                                                                                                                                                                                                                                                                                                                                   |            |                       |                 |                         |                     |               |
| Long Subdivisions (Final)                                                                                                                                                                                                                                                                                                                                                                                                                                         |            |                       | R               |                         | D                   | A             |
| Site-Specific Rezones                                                                                                                                                                                                                                                                                                                                                                                                                                             |            | (R)                   | R               | R/P                     | D                   | A             |



| R = Review and Recommendation, (R) = Optional Review, D = Decision, A = Appeal, P = Public Hearing, (P) = Optional Public Hearing |     |                |          |                  |              |        |
|-----------------------------------------------------------------------------------------------------------------------------------|-----|----------------|----------|------------------|--------------|--------|
|                                                                                                                                   | DRB | Planning Comm. | Director | Hearing Examiner | City Council | Courts |
| <b>Consolidated Project Review</b>                                                                                                |     |                |          |                  |              |        |
| See BIMC 2.16.170                                                                                                                 |     |                |          |                  |              |        |
| <b>Legislative Approvals</b>                                                                                                      |     |                |          |                  |              |        |
| Adoption or Amendment of Development Regulations                                                                                  |     | R/P            | R        |                  | D (P)        | A      |
| Comprehensive Plan Amendments                                                                                                     |     | R/P            | R        |                  | D (P)        | A      |
| Legislative Area-Wide Rezones                                                                                                     |     | R/P            | R        |                  | D (P)        | A      |
| Special Area Plans                                                                                                                |     | R/P            | R        |                  | D (P)        | A      |

[1] City decisions on shoreline variances, shoreline substantial development permits, and shoreline conditional use permits must be reviewed by the Washington Department of Ecology pursuant to WAC 173-27-130 and RCW 90.58.140(10). The Department of Ecology may approve, approve with conditions, or deny the application.

[2] The hearing examiner's decision is forwarded to the Department of Ecology (DOE) for decision. The DOE decision is then appealable to the Shoreline Hearings Board. (See BIMC 2.16.165.1.)

(Ord. 2018-08 § 1 (Exh. A), 2018: Ord. 2014-04 § 5 (Exh. 3 § 2), 2014: Ord. 2011-21 § 2, 2011: Ord. 2011-02 § 2 (Exh. A), 2011)

#### **2.16.020 General provisions.**

**A. Jurisdiction.** Jurisdiction of the department director or the hearing examiner is limited to those issues where ordinance or other appropriate authority grants the authority to issue a decision, recommendation, or issue an order.

**B. State Environmental Policy Act May Apply.** The State Environmental Policy Act (SEPA) and the Bainbridge Island SEPA ordinance (Chapter 16.04 BIMC) may also apply to applications processed under this section. For a consolidated land use application subject to Chapter 43.21C RCW and Chapter 16.04 BIMC, the SEPA threshold determination shall be issued and any required public comment period shall be completed prior to a public hearing.

**C. Types of Land Use Applications.** Land use applications are classified into four major categories based on the review process: (1) administrative, (2) quasi-judicial decisions by a hearing examiner, (3) quasi-judicial decisions by city council, and (4) legislative approvals. The specific types of applications in each category are shown in the table in BIMC 2.16.010.

1. Administrative land use decisions are made by a department director pursuant to the process in BIMC 2.16.030, and pursuant to specific standards in BIMC 2.16.040 through 2.16.090 as applicable.

2. Quasi-judicial decisions by a hearing examiner are made pursuant to the process in BIMC 2.16.100, and pursuant to specific standards in BIMC 2.16.110 through 2.16.120 as applicable.

3. Quasi-judicial decisions by city council are made pursuant to the process in BIMC 2.16.130, and pursuant to specific standards in BIMC 2.16.140 through 2.16.160 as applicable. This category includes consolidated project review, which is an option available for a land use proposal that requires more than one related land use permit, and in which decisions are made pursuant to BIMC 2.16.170. In some cases, consolidated project reviews may be quasi-judicial decisions by a hearing examiner.

4. Legislative approvals are non-site-specific decisions related to land use in the city but not related to a specific land use application filed by a property owner. These decisions are made pursuant to BIMC 2.16.180, and pursuant to specific standards in BIMC 2.16.180 through 2.16.210 as applicable.

#### D. Who Can Apply.

1. A property owner, a contract purchaser, or an agent of the owner with authorized written proof of agency may apply for any type of permit.
2. A resident who is not the owner of the dwelling may apply for permits and licenses pertaining to a home occupation.
3. Any person may request an interpretation of the zoning code, shoreline master program, or subdivision regulations. The director of planning and community development may issue interpretations of the zoning code, shoreline master program, or subdivision regulations as needed, and shall post issued interpretations on the city website.

#### E. Prohibited Ex Parte Communications.

1. Except as permitted under Chapter 42.36 RCW, a proponent or opponent, or his or her agent or representative, of a quasi-judicial matter that is pending before the hearing examiner or council, shall not communicate ex parte, directly or indirectly, with the examiner or a council member concerning the merits of the pending matter or a factually related quasi-judicial matter. This rule shall not prohibit ex parte communications concerning procedural matters.
2. Except as permitted under Chapter 42.36 RCW, the hearing examiner or a council member shall not communicate ex parte, directly or indirectly, with a proponent or opponent, or his or her agent or representative, of a quasi-judicial matter that is pending before the hearing examiner or council concerning the merits of the pending matter or a factually related quasi-judicial matter. This rule shall not prohibit ex parte communications concerning procedural matters.
3. If a prohibited ex parte communication is made to or by the hearing examiner or a council member, the examiner or council member shall comply with Chapter 42.36 RCW. Any violation of this subsection E shall be deemed a misdemeanor and may be punished pursuant to Chapter 1.24 BIMC.
4. Any person seeking to rely on the provisions of this section to disqualify the hearing examiner or a council member from participating in a decision must raise the challenge as soon as the basis for disqualification is made known to the person. Where the basis is known or reasonably should have been known prior to the issuance of the decision and is not raised until after the issuance of the decision, it may not be relied on to invalidate the decision.

#### F. Design Review Board Review.

1. The design review board shall review and make recommendations on all land use applications as set forth in this section. This design process reflects a collaborative effort between an applicant, the design review board, and the community to better incorporate the vision of the city as outlined in the adopted comprehensive plan and regulations. (See Table 2.16.010-1.)
2. In order to identify potential design issues and opportunities, planning staff shall direct a prospective applicant to meet with the board during the conceptual stages of development formulation. This initial review is strongly recommended, and shall occur prior to the proposal's preapplication conference. The applicant shall submit conceptual drawings and diagrams as well as site information (topographic, existing development, surrounding development, and critical area information). Following this optional, initial review, an applicant may proceed with the design of the project, including development of the site plan and elevations that must be submitted as part of the preapplication materials.
3. Subsequent to submittal of preapplication materials, the board shall review a proposal for conformance with applicable design guidelines. The board's written recommendations shall be attached to the formal preapplication letter generated by planning staff.
4. Subsequent to submittal of the site plan and design review and/or conditional use permit application, the board shall review a proposal for incorporation of the board's previous comments into the project's design. For



all housing design demonstration projects, including subdivisions, the board shall serve in an advisory and review capacity, in addition to analyzing any applicable design guidelines. At the conclusion of its consideration, the board shall submit to the director a recommendation of approval, approval with modifications, or denial of the application based on compliance with design guidelines. The director shall consider the board recommendation prior to making a decision on the application.

5. A board recommendation is not a decision and there is no city appeal of the recommendation.

#### G. Preapplication Procedure.

1. Subject to certain exemptions, all projects are subject to and must complete the site assessment review process set forth and in accordance with Chapter 15.19 BIMC, and projects requiring a preapplication conference have the option of proceeding with the two processes concurrently. Chapter 15.19 BIMC is designed to ensure that future development integrates low impact development practices to the maximum extent practicable, as required by Chapters 15.19 and 15.20 BIMC.
2. The preapplication conference is an informal discussion between a potential applicant, interested citizens, city staff, and the design review board (if applicable) regarding a proposed project. A preapplication conference shall not include extensive field inspection or correspondence. The purpose of the preapplication conference is to assist the applicant by identifying the following:
  - a. Requirements for submittal, including types of permits necessary to complete the proposal and whether SEPA review is required, pursuant to the State Environmental Policy Act (SEPA), Chapter 43.21C RCW.
  - b. Compliance with applicable city plans, goals, policies, codes or guidelines and possible revisions to the proposed project that will enhance the proposal with respect to these requirements.
  - c. Required plans, studies, reports, and/or other materials specific to the proposal that will provide necessary information for staff to review the project.
  - d. Whether or not the project will likely qualify as a housing design demonstration project, and/or feedback about how to qualify, if applicable.
3. A preapplication conference may be recommended by the department director for any type of land use application that the director believes may be complex or controversial, but is required prior to submitting an application for the following land use applications unless a waiver is obtained pursuant to this subsection G.3:
  - a. Minor or major conditional use;
  - b. Minor or major variance;
  - c. Minor or major site plan and design review approval;
  - d. Preliminary long subdivision and short subdivision;
  - e. Shoreline substantial development permit, shoreline variance, and shoreline conditional use permit;
  - f. Shoreline substantial development exemption for new shoreline armoring (including bulkheads, revetments, and soft shore designs);
  - g. Comprehensive plan amendment;
  - h. Reasonable use exception;
  - i. Consolidated project review; and
  - j. Major critical area permit.



4. Except in the case of (a) preliminary short subdivisions and long subdivisions, (b) shoreline substantial development exemptions or permits for new shoreline armoring (including bulkheads, revetments, and soft shore designs), (c) where the HDDP process is being used, and (d) where DRB review is required, a preapplication conference may be waived in writing by the director if the director determines the following:

- a. The application is consistent with applicable codes and ordinances;
- b. The proposed use is clearly listed as a permitted use or a conditional use in the zoning district in which it is located; and
- c. The applicant demonstrates knowledge and understanding of the city's permit processing procedures.

5. In the case of applications where design review board review and a preliminary application conference are required, the land use application shall be reviewed using a two-step preapplication process. As the schedule allows, the applicant shall first meet with the design review board to discuss the design concept, and shall then meet with department staff as described in this section.

6. The review process for long subdivisions, major site plan and design review permits, and major conditional use permits shall include a public participation meeting following the procedures outlined in Resolution No. 2010-32. The meeting will be held after the design review board meeting, if one is required, during the preapplication conference phase of the project.

7. An applicant shall arrange for a preapplication conference by submitting forms and plans as required in the administrative manual.

8. The discussion at the preapplication conference shall not bind or prohibit the city's future application or enforcement of applicable codes and ordinances.

#### H. Application.

##### 1. Application Submittal Requirements.

a. An application for a specific type of land use decision shall be filed with the appropriate department on forms prescribed by that department and shall include fees as required by resolution of the city council. Each application has specific submittal requirements that are described in the administrative manual. Additional requirements may be requested on the application form.

b. The address indicated on the application shall be, for the purposes of this title, the mailing address of the applicant, and all correspondence relating to the application shall be directed to that address.

c. The applicant or designated representative must be present at any public meeting that has been publicly advertised to hear the application or when the applicant has been personally notified of such a meeting.

d. The director may waive specific submittal requirements determined to be unnecessary for review of an application.

e. The director or city engineer may require additional material such as, but not limited to, maps, studies or models when the director determines such material is needed to accurately assess the proposed project.

##### 2. Determination of Complete Application.

a. A land use application shall be deemed complete when all submittal requirements and all required fees as set forth in the administrative manual or by resolution of the city council have been submitted to the appropriate department and staff has confirmed that the level of detail in submitted materials is sufficient to allow accurate review, even though additional information may be required or subsequent project modifications may occur (see subsection K.4 of this section for timelines).

b. A determination of a complete application shall not preclude the department director from requesting additional information or studies, if new information is required to complete final review or if substantial changes in the application are proposed.

c. If a land use application is determined to be incomplete, the city shall return the application for modification or correction with a request in writing for the missing information. The applicant shall respond to such a request within 60 days of the date of the request.

3. Voiding Application Due to Inactivity. A land use application for which a decision has not yet been made may be canceled for inactivity if the city returns the application for modification or correction (including a request for additional information for an incomplete or complete application) and the applicant fails to respond to the city's request within 60 days of the request. The planning director may extend the response period beyond 60 days if within that time period the applicant provides and subsequently adheres to an approved schedule with specific target dates for submitting the full revisions, corrections, or other information needed by the requesting department.

#### I. Fees.

1. Fees and charges payable to the city prior to issuance of a land use permit or approval, except impact fees, shall be paid in an amount established by ordinance or resolution as of the date on which the land use application is accepted, except as provided in subsections I.2 and I.3 of this section.

2. Fees and charges payable to the city prior to the issuance of a building permit, including utility participation and connection charges, but except impact fees and fees for which an hourly charge has been established, shall be paid in an amount established by ordinance or resolution as of the date of the permit application.

3. Fees and charges payable to the city in relation to the issuance of land use permits or approvals do not vest except as provided in this chapter. Hourly rate charges shall be imposed for all work done by the city on and after the effective date(s) of the hourly charges, at the rate in effect on the date that work is performed by the city. Hourly charges shall be in addition to any amounts previously collected relative to the permits, approvals, or actions for which hourly fees are either now or subsequently imposed except that amounts paid prior to the imposition of hourly charges shall be considered a nonrefundable deposit against future charges for the same permits or approvals.

#### J. Application Time Frames.

1. Final decisions on land use applications should be issued within 120 days from the date the application is determined to be complete pursuant to subsection H.2 of this section, except in the case of subdivisions. A preliminary plat for a short subdivision, long subdivision or large lot subdivision must be approved, disapproved, or returned to the applicant for modification or correction within 90 days from the date of filing a complete application, unless the applicant consents to an extension. A final plat for a short subdivision, long subdivision, or large lot subdivision must be approved, disapproved, or returned to the applicant for modification or correction within 30 days from the date of filing a complete application, unless the applicant consents to an extension.

2. Where there is a conflict in time periods of state statutes, the state statute with the more restrictive time period shall govern. The time period for making a final decision as established by this section may be extended for any reasonable period of time mutually agreed upon by the applicant and the city.

3. For purposes of calculating time periods and counting days of permit processing, the time period shall begin on the first day following the date the application is determined to be complete. The following periods shall be excluded from the 120-day period:

a. Any period during which an application has been returned for correction or modification with a request for missing or additional information necessary for review, in accordance with subsection H.2 of this section;

- b. Any period during which an environmental impact statement is being prepared following a determination of significance pursuant to Chapter 43.21C RCW;
  - c. Any period during which an appeal of a project permit is being reviewed; and
  - d. Any extension of time mutually agreed upon by the applicant and the city.
4. The time limits established by this section do not apply if a land use application includes one of the following:
- a. An amendment to the comprehensive plan or an amendment to a land use development regulation; or
  - b. Siting of an essential public facility as provided in RCW 36.70A.200; or
  - c. An application substantially revised by the applicant, in which case the time period shall start from the date at which the revised project application is determined to be complete under subsection H.2 of this section; or
  - d. An application for a street or right-of-way vacation.
5. If the city is unable to issue its final decision on a land use application within the applicable time periods, the city shall provide written notice of this fact to the project applicant. The notice will include a statement of reasons why the time periods have not been met and an estimated date for issuance of the notice of final decision.

#### K. Notice Requirements.

##### 1. Land Use Notice Summary Table.

**Table 2.16.020-1 Land Use Notice Summary Table**

|                                                  | Mail, Fax,<br>E-mail, or<br>Other to<br>Applicant | Mail, Fax, or<br>E-mail to Depts.,<br>Public, and<br>Others | Publishing in<br>Newspaper | Posting Notice at<br>Official<br>Locations | Posting Sign on<br>the Property |
|--------------------------------------------------|---------------------------------------------------|-------------------------------------------------------------|----------------------------|--------------------------------------------|---------------------------------|
| Notice of Complete Application                   |                                                   |                                                             |                            |                                            |                                 |
| Notice of Application and Public Comment Period* |                                                   |                                                             |                            |                                            |                                 |
| Notice of Public Hearing                         |                                                   |                                                             |                            |                                            |                                 |
| Notice of Decision and Appeal Period             |                                                   |                                                             |                            |                                            |                                 |

\* May be combined with SEPA notice.

\*\* Notice only goes to parties that commented during public comment period; if the application includes SEPA, notice of decision goes to SEPA agencies also.

2. Types of Notifications for Land Use Decisions. All applications, except those exempted in subsection K.3 of this section, require the following notifications:

- a. Notice of complete application; and
- b. Notice of application and public comment period\*; and
- c. Notice of public hearing, if a public hearing is required; and



d. Notice of decision and appeal period.

- \* If the optional process is used pursuant to subsection K.8 of this section, this will include SEPA comment period.

3. Exemptions from Public Notice Requirements on Land Use Decisions. The following land use applications do not require a notice of application and public comment period or notice of decision:

- a. A building permit or other construction permit, unless a notice of intent to construct in geologically hazardous areas is required under BIMC 16.20.140.
- b. An administrative decision that is categorically exempt under SEPA (Chapter 43.21C RCW), unless the permit application procedures require a public comment period or public hearing. Flexible lot design short or long plats are not exempt from notice requirements.

4. Notice of Complete Land Use Decision Application.

- a. Within 28 days after receiving a land use permit application, the department director shall either mail, fax, or otherwise provide to the applicant a written determination, stating either that the application is complete or that the application is incomplete and what is necessary to make the application complete. If the application is determined to be incomplete, the department director will request additional information in writing.
- b. Within 14 days after an applicant has submitted all additional information identified by the department director as being necessary for a complete application, the department director shall notify the applicant whether the application is complete or what additional information is necessary.
- c. If the department director does not provide a written determination as to whether the application is complete within the 28 days, the application shall be deemed complete as of the twenty-eighth day.

5. Notice of Application and Public Comment Period.

- a. Time of Notice. Within 14 days of a notice of complete application, the department director shall issue a notice of application for any land use application except for those applications that are exempted pursuant to subsection K.3 of this section. The notice of application shall provide a minimum comment period of 21 days. However, for projects requiring review under the State Environmental Policy Act (SEPA), the notice of application shall provide a minimum comment period of 14 days; the SEPA threshold determination shall not be issued prior to the expiration of the notice of application comment period.
- b. Method of Notice. The notice of application shall be provided to the public and other government agencies with jurisdiction over some aspect of the application by the following means:
  - i. Distributing written notice to property owners at addresses listed on the property tax records of Kitsap County within 500 feet of any boundary of the subject property and including any property within 500 feet of any contiguous property in the applicant's ownership;
  - ii. Posting notice in the official posting places of the city, including the city website;
  - iii. Publishing notice in the official newspaper of the city;
  - iv. Posting the subject property in a manner prescribed by the city; and
  - v. Distributing notices to government agencies.
- c. Notice of Application Contents. The content of the notice shall comply with the requirements of state law and shall contain that information set forth in the administrative manual.
- d. Transportation Notice. If the application is for a short subdivision or a large lot subdivision that is adjacent to the right-of-way of a state highway or within two miles of the boundary of a state or municipal

airport, not later than 10 days after the short subdivision application is filed, the director shall provide a notice of the application, including a legal description and location map, to the State Secretary of Transportation. The Department of Transportation shall, within 15 days after receiving the notice, submit a statement to the director who furnished the notice, including any information that the Department of Transportation deems to be relevant about the effect of the proposed short subdivision or large lot subdivision upon the legal access to the state highway, the traffic carrying capacity of the state highway and the safety of the users of the state highway. If comments are not received within 15 days, the director may extend the comment period by an additional 15 days to allow for Department of Transportation comments.

6. Notice of Public Hearing. Notice for an application requiring a public hearing shall be provided in the following manner:

- a. Time of Notice. The hearing examiner shall provide notice of the public hearing at least 15 days prior to the hearing or as otherwise provided by law.
- b. Method of Notice. The hearing examiner shall provide notice of an appeal hearing as provided in this subsection K.6.b and shall provide public notice for any other public hearing by:
  - i. Posting notice in the official posting places of the city, including the city website; and
  - ii. Publishing notice in the official newspaper of the city at least 14 days prior to the hearing or as otherwise provided by law; and
  - iii. Distributing notice to the applicant and appellant, if applicable; and
  - iv. Distributing written notice to property owners at addresses listed on the property tax records of Kitsap County within 500 feet of any boundary of the subject property and including any property within 500 feet of any contiguous property in the applicant's ownership; and
  - v. Distributing notice to any person who has submitted a written request for notice of the hearing; and
  - vi. Posting the subject property in a manner prescribed by the city.
- c. Public Hearing Notice Contents. The content of the notice shall comply with the requirements of state law and shall contain that information set forth in the administrative manual.

7. Notice of Land Use Decision and Appeal Period. A notice of decision shall be issued upon a final decision on a land use application. The decision-maker shall distribute the notice of decision to the applicant, the applicable department director and any persons requesting notice or submitting comments on the application prior to the decision. Notice of decision shall include:

- a. A statement indicating that the application is approved, approved with conditions, denied, or remanded; and
- b. A statement of any conditions included as part of a decision for approval or approval with conditions; and
- c. A statement of facts upon which the decision, including any conditions, is based and the conclusions of law derived from those facts; and
- d. The SEPA threshold determination and mitigation conditions as specified in Chapter 16.04 BIMC, if applicable; and
- e. Procedures for appeal under subsection P of this section if applicable.

8. Combining Public Notices on Land Use Applications. If a land use application is subject to environmental review under Chapter 16.04 BIMC (Chapter 43.21C RCW) and requires a SEPA threshold determination, the

SEPA public notice and notice of SEPA public comment period, if any, shall be combined with other land use application notices when possible. A combined notice shall include a statement that a single comment letter may be submitted to the SEPA official, addressing impacts as well as other issues subject to review under the decision criteria for the land use application.

9. Notice Required for Legislative Review Procedures. Unless subsection K.10 or K.11 of this section requires otherwise, notice of the date, time and place of any scheduled hearing shall be provided to the public by the following means:

- a. Publishing notice in the official newspaper of the city at least 10 calendar days prior to the public hearing.
- b. Posting notice in the official posting places of the city.

10. Notice Required for Adoption and Amendment of Land Use Regulations.

a. The city shall give notice of the public hearing in a way that is reasonably calculated to provide notice to property owners and other affected and interested individuals, tribes, government agencies, businesses, and organizations. Examples of reasonable notice include:

- i. Posting the property for site-specific proposals;
- ii. Publishing notice in the official newspaper of the city;
- iii. Notifying public or private groups who have notified the city of an interest in a certain proposal or in the type of proposal being considered.

b. Notice of the public hearing shall state when the public may submit written comments on the proposed development regulation; provided, that the public shall be given at least 10 days prior to the scheduled public hearing to submit written comments to the city.

c. Errors in exact compliance with this chapter shall not render the development regulation invalid if the spirit of the procedures established by this chapter is observed.

11. Notice Required for Special Area Plan Process. The interdepartmental staff team described in BIMC 2.16.210.D shall provide notice to the public of the initial public meeting by (a) mailing notice, by regular mail, at least 10 days prior to the date of the meeting, to all interested persons and groups identified by the interdepartmental staff team, and to all persons requesting such notice; and (b) publishing notice in the city's official newspaper at least 10 days prior to the date of the meeting.

L. Land Dedication. The following provisions apply to applications for short or long subdivisions, and to development permits for multifamily residential development.

1. The applicant shall submit with the application (a) a proposal for dedication of land for any public rights-of-way and parks, open spaces, or recreational lands required to serve the proposed development, and (b) any proposed open space covenants for private parks or recreational facilities for which the applicant seeks approval. Those proposals shall be incorporated in the underlying application.

2. Except in the case of short subdivisions, the city council shall then determine whether to require the dedication of land, and/or approve any proposed open space covenants for private parks or recreational activities. In the case of short subdivisions, staff shall determine whether to require dedication of land and/or approve any proposed open space covenants for private parks or recreational activities, but no required land dedication shall be final until accepted by city council.

3. In the instances where staff or the city council determines to require dedication of land, the dedication shall occur:

- a. In the case of a short or long subdivision, at the time of final plat approval;



b. In the case of development permits for multifamily development, land dedications of public rights-of-way shall be required at the time of approval of the earliest application at which the number of dwelling units and related traffic generation from the property can be calculated. Land dedications for parks, open spaces, and recreational lands shall be due at the time of approval of the earliest application at which the number of dwelling units on the property can be calculated. All land dedications shall be completed prior to the issuance of any building permits.

#### M. Time Limits and Extensions.

1. A land use permit automatically expires and is void if the applicant fails to file for a building permit or other necessary development permit within three years of the effective date of the permit unless (a) the applicant has received an extension for the permit; or (b) the permit provides for an extended time period.

2. The director may grant one extension to the permit, in writing, for a period not to exceed one year if:

- a. Unforeseen circumstances or conditions necessitate the extension of the permit; and
- b. Termination of the permit would result in unreasonable hardship to the applicant, and the applicant is not responsible for the delay; and
- c. The extension of the permit will not cause substantial detriment to existing uses in the immediate vicinity of the subject property; and
- d. The extension request is received by the department no later than 30 days prior to the expiration of the permit.

N. Required Notices on Title. Where any provision of the Bainbridge Island Municipal Code requires the recording of a notice on title related to a land condition or land use approval condition, the applicant shall record those notices in the form shown in the Bainbridge Island Municipal Code or administrative manual. In the case of long, short, or large lot subdivisions, the notice shall be recorded prior to or at the recording of the final plat. In the case of other approvals, the notice shall be recorded before the issuance of any building permit related to the approval.

O. Approval Binding. No person, firm or corporation shall locate or expand a use for which any land use approval is required without first obtaining that land use approval. Once a land use application has been approved, no building or development of any sort shall occur contrary to the approved land use application unless this title includes a procedure for adjustments or modifications and the city has approved those adjustments or modifications.

#### P. Appeals.

##### 1. Appeal of an Administrative Review Decision.

a. Applicability. All administrative decisions, departmental rulings and interpretations made in accordance with administrative review procedures of BIMC 2.16.030 and administrative decisions made under BIMC 1.26.070 may be appealed to a hearing examiner. Administrative decisions of the public works director and decisions on sign permits may not be appealed to the hearing examiner.

b. SEPA Appeals. Appeals of decisions made in accordance with Chapter 16.04 BIMC, the city's SEPA rules, shall be made according to the procedures in that chapter. Where the appeal concerns a substantive approval, denial, or conditional approval of a development application based on a SEPA determination (a "substantive SEPA appeal"), the appeal hearing shall be pursuant to subsection P.1.i of this section. Where the appeal concerns a threshold determination regarding the applicability of SEPA or the level of SEPA review required (a "procedural SEPA appeal"), the appeal shall also be pursuant to subsection P.1.i of this section, but, if heard on the same date, the procedural SEPA appeal shall be heard first and the record of the proceeding closed before the substantive appeals are heard.

c. Rules. Any rules of procedure for appeal hearings adopted by the hearing examiner shall be kept on file with the office of the city clerk and shall be provided to any person filing an appeal upon request.

d. Timing. An appeal of an administrative decision shall be filed with the city clerk within 14 days of the date of the decision. This provision applies when the application (i) is exempt from SEPA or (ii) is subject to SEPA and uses the "optional process." An appeal of an administrative decision shall be filed with the city clerk within 21 days of the date of decision when the project is subject to SEPA and requires a SEPA threshold determination public comment period pursuant to WAC 197-11-340.

e. Written Appeal Required. All appeals shall be filed in writing with the city clerk, shall identify the decision appealed and the date of the decision, and shall contain a summary of the grounds for the appeal.

f. Content of Appeal. Appeal hearings shall be limited to the issues specified in the written appeal.

g. Hearing Date. Following receipt of a notice of appeal and payment of the appropriate fee, a public hearing shall be set by the hearing examiner.

h. Related Documents. All written comments and related documents received prior to the appeal hearing shall be transmitted to the hearing examiner no later than the hearing date. In the case of complex or controversial appeals, the city may require that some or all materials be submitted two or more days in advance of the hearing date.

i. Appeal Hearing. As stated in RCW 43.21C.075, because a major purpose of SEPA is to combine environmental considerations with public decisions, any appeal brought under this section shall be linked to a specific governmental action. The State Environmental Policy Act provides a basis for challenging whether governmental action is in compliance with the substantive and procedural provisions of this chapter. The State Environmental Policy Act is not intended to create a cause of action unrelated to a specific governmental action. The appeal shall be heard in accordance with RCW 43.21C.075. The appeal shall be held at an open record public hearing. Participation in an appeal hearing is limited to the applicant, the applicant's representative, the appellant, the appellant's representative, appropriate city staff and consultants, any witnesses called by each and any nonparty who submitted written comments during the public comment period if the hearing examiner determines that the testimony will be relevant to the issue on appeal and nonrepetitive of the testimony of other witnesses.

i. In a SEPA procedural appeal, the procedural determination by the city's SEPA official shall carry substantial weight.

ii. In an appeal of a substantive decision made by the city, the criteria shall be whether (A) the proceedings were materially affected by failure to comply with adopted procedures, or (B) the decision is inconsistent with the BIMC criteria for that type of approval, or (C) the evidence in the record was not adequate to support the decision.

iii. In an appeal on the substance of a SEPA determination, or substantive conditions attached to an approval through the SEPA review process, the determination by the city's SEPA official shall carry substantial weight.

j. Continuation of Hearing. A hearing may be continued to a date certain without additional notice.

k. Decision. Upon completion of the appeal hearing, the hearing examiner shall (i) affirm the decision, (ii) reverse the decision, (iii) affirm the decision with conditions, or (iv) remand the decision to the department director for further consideration of identified issues. The decision of the director shall be accorded substantial weight by the hearing examiner. The hearing examiner may include conditions as part of a decision granting or granting with conditions an appeal to ensure conformance with BIMC, the city's comprehensive plan and other applicable laws or regulations.

l. Timing of Written Decision. The hearing examiner shall issue a written decision on the appeal within 20 working days after completion of the public hearing unless the appellant and the hearing examiner have consented to an extension of time. The written decision shall include (i) the decision of the hearing examiner granting or denying the appeal in whole or in part; (ii) any conditions included as part of the decision on the appeal; (iii) findings of facts upon which the decision, including any conditions, is based

and the conclusions of law derived from those facts; and (iv) a statement of the right of a person with standing to appeal the decision of the hearing examiner in accordance with Chapter 36.70C RCW.

m. Distribution. The hearing examiner or designee body shall provide a copy of the written decision to the applicant, the appellant, the applicable department director, and any person requesting the written decision or who submitted substantive comments on the application prior to the decision.

2. Appeal of a Decision of the Hearing Examiner. The decision of the hearing examiner shall be final unless, within 21 days after issuance of a decision, a person with standing appeals the decision in accordance with Chapter 36.70 RCW or its successor.

3. Appeal of a City Council Decision on a Quasi-Judicial Matter. The decision of the city council shall be final unless, within 21 days after issuance of a decision, a person with standing appeals the decision in accordance with Chapter 36.70C RCW or its successor.

4. Appeals of a City Council Decision on a Legislative Matter. Appeal of a city council decision on a development regulation, area-wide rezone and comprehensive plan amendment is governed by state law.

#### **Q. Housing Design Demonstration Projects.**

1. Purpose and Goals. The purpose of this subsection Q is to allow the development of housing design demonstration projects that increase the variety of housing choices available to residents across underserved portions of the socio-economic spectrum, and to promote compact, low-impact development where it is most appropriate. Further, its purpose is to encourage high quality and innovation in building design, site development, and "green" building practices.

The goals of this program are to increase the housing supply and the choice of housing styles available in the community; to promote socio-economic diversity by adding to the stock of income-qualified housing; to encourage development of smaller homes, at reasonable prices, in neighborhoods attractive to a mix of income and age levels; and to demonstrate that innovative design and building techniques (conserving water and energy, using sustainably sourced materials, limiting environmental impacts) are compatible with market considerations.

2. Applicability. This subsection Q is applicable to all properties located within the Winslow sanitary sewer system service area. An application for a housing design demonstration project may be applied to single-family residential subdivisions, mixed-use/multifamily and multifamily developments. Since the purpose is to provide housing projects as demonstrations, the city will accept projects for consideration and approval prior to the sunset date of the ordinance codified in this chapter. The city will limit acceptance of Tier 3 and 4 projects outlined in this section to three projects in each tier.

3. Review and Approval Process. Housing design demonstration project applications shall be reviewed as specified in the same manner as other applications for the same type of underlying land use permit (see BIMC 2.16.030 through 2.16.210), with additional review steps done in the order below as outlined in this subsection.

**a. Conceptual Proposal Review.** Applicants proposing a demonstration project shall meet with city staff during the conceptual phase to discuss the goals and evaluation parameters of the proposed project. The conceptual proposal review is an informal discussion between the applicant and city staff regarding a proposed project. There are no required application materials for this stage. Applicants shall contact the planning department staff to request a meeting, and the meeting shall be scheduled by staff for no more than three weeks after the request date. The purpose of the conceptual proposal review is to determine if the proposal is eligible to be considered as an application for a housing design demonstration project and to assist the applicant by identifying (i) requirements for submittal, including types of supplemental materials for application; (ii) compliance with applicable city plans, goals, policies, codes, or guidelines and possible revisions to the project that will enhance the proposal with respect to these requirements; (iii) areas of BIMC Title 18, Zoning, and BIMC Title 17, subdivisions, where the applicant seeks flexibility; and (iv) required plans, studies, reports, and/or other materials specific to the proposal that will provide



necessary information for staff and the design review board, and to review the project under the criteria outlined in subsection Q.4 of this section.

**b. Public Participation Program.** The applicant is required to participate in one or more community meetings, either through the city's (i) public participation program following the procedures outlined in Resolution Nos. 2010-32 and 2001-11, or (ii) an equivalent public meeting that includes participation by city staff, as approved by the director.

**c. Preapplication Conference.** The applicant shall apply for a preapplication conference pursuant to subsection G of this section. Housing design demonstration projects shall be reviewed by both staff and the design review board, pursuant to subsection F of this section. The applicant shall submit a HDDP proposal consistent with the requirements in the administrative manual. The applicant shall consider input received during the public meetings and conceptual review with city staff in crafting the proposal. The proposal will be evaluated pursuant to subsection Q.4 of this section by city staff with the design review board serving in an advisory role, in addition to their review of applicable design guidelines. The director shall prepare written findings of facts, and applicants will receive preliminary notification from the director whether the proposal will qualify as a housing design demonstration project, or feedback about how to improve the proposal to qualify. If the applicant changes the proposal in any significant manner other than a response to feedback from the public meeting, conceptual review, or the preapplication review, an additional preapplication conference may be required.

**d. Application Submittal.** An applicant may submit a land use permit application (subdivision, site plan and design review, or conditional use permit) for a housing design demonstration project after completion of a required conceptual and preapplication review and notification by the city that the proposal qualifies as a housing design demonstration project. Upon receipt of an application, the director shall provide notice to the applicant and public in accordance with subsection K of this section, and commence the application review process. Housing design demonstration projects that require more than one land use permit must utilize the consolidated project review process outlined in BIMC 2.16.170. All housing design demonstration project applications, including subdivisions, shall be reviewed by the design review board and the planning commission at public meetings. The design review board and the planning commission shall make recommendations on all housing design demonstration projects.

**e. Permit Decision.** The decision to approve or deny a housing design demonstration project shall be made as part of underlying land use permit approval. The decision shall be based upon the decision criteria of the underlying planning permit, and the decision criteria outlined in subsection Q.5 of this section. Housing design demonstration project approval conditions shall be included in the final permit approval and shall address any ongoing compliance requirements including compliance with approved design plans. The city may require that the applicant record covenants to ensure ongoing compliance or maintenance for required project components.

**f. Building Permit.** The applicant shall submit a building permit that is consistent with all conditions of the land use permit approval. The applicant shall also submit documentation that the project has applied for required certification by a green building rating system, such as Evergreen Sustainable Development, LEED, or BuiltGreen. Proof of ongoing certification shall be required during construction and project certification must be completed prior to final occupancy.

**g. Living Building Challenge.** For projects pursuing the Living Building Challenge standard of the International Living Building Institute, the applicant must show proof of pursuing ongoing certification during construction for all required elements. After construction and prior to issuance of the certificate of occupancy, the applicant must show proof of initial project compliance as to the Site, Materials, Indoor Quality and Beauty/Inspiration components of the Living Building Challenge and that the project is likely to achieve the elements of energy and water following 12 months of occupancy as required under Living Building Challenge certification. For those elements of energy and water that require occupancy of the building for 12 months for Living Building Challenge certification, the applicant must submit a report to the city following 12 months of occupancy, demonstrating its progress towards meeting these remaining elements of the Living Building Challenge standard. If certification of those elements has not been



achieved, the applicant must provide quarterly reports of progress towards certification of these elements, including additional steps and timeline that will be taken to achieve certification.

4. Evaluation Method. Each project will be evaluated for innovation and achievement of the goals of subsection Q of this section using a number of factors. The evaluation factors are divided into three categories. Examples of sustainable development methods do not limit other mechanisms of meeting the evaluation factor. Projects that qualify as housing design demonstration projects are eligible to use the flexible development standard incentives outlined in subsections Q.6 and 7 of this section. Projects qualifying as a Tier 2, 3, or 4 project are eligible for the residential incentives outlined below and in subsection Q.8 of this section. Tables 2.16.020.Q-1, Q-2, and Q-3 show how projects are scored to qualify for different tiers in the housing design demonstration project program.

| Table 2.16.020.Q-1: Housing Design Demonstration Project Scoring System                                                                                                                                            |                                                                                                                                                                                                           |                                                                                                                                                                                                                            |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Density Incentives                                                                                                                                                                                                 | Requirements to Receive Incentives                                                                                                                                                                        |                                                                                                                                                                                                                            |
|                                                                                                                                                                                                                    | Green Building and Innovative Site Development                                                                                                                                                            | Housing Diversity                                                                                                                                                                                                          |
| <b>Tier 4</b>                                                                                                                                                                                                      |                                                                                                                                                                                                           |                                                                                                                                                                                                                            |
| 2.5 x Base Density<br>OR<br>Max. Bonus Mixed-Use FAR                                                                                                                                                               | <ul style="list-style-type: none"> <li>Living Building Challenge (LFI) OR Passive House (Passive House Institute US/International)</li> <li>30 Points in Innovative Site Development Practices</li> </ul> | <ul style="list-style-type: none"> <li>Home size not greater than 1,600 sq. ft.</li> <li>10 pts/10% of units affordable housing</li> </ul>                                                                                 |
| <b>Tier 3</b>                                                                                                                                                                                                      |                                                                                                                                                                                                           |                                                                                                                                                                                                                            |
| 2.5 x Base Density<br>OR<br>Max. Bonus Mixed-Use FAR                                                                                                                                                               | <ul style="list-style-type: none"> <li>LEED Silver, BuiltGreen 4, or Evergreen Sustainable Development</li> <li>25 Points in Innovative Site Development Practices</li> </ul>                             | <ul style="list-style-type: none"> <li>50% affordable housing</li> <li>Home size not larger than 1,600 sq. ft.</li> </ul>                                                                                                  |
| <b>Tier 2</b>                                                                                                                                                                                                      |                                                                                                                                                                                                           |                                                                                                                                                                                                                            |
| <ul style="list-style-type: none"> <li>1.5 x Base Density (R-8 and R-14); OR</li> <li>2.0 x Base Density not to exceed R-8 density (R-2, R-2.9, R-3.5, and R-4.3); OR</li> <li>Max. Bonus Mixed-Use FAR</li> </ul> | <ul style="list-style-type: none"> <li>LEED Silver, BuiltGreen 4, or Evergreen Sustainable Development</li> <li>25 Points in Innovative Site Development Practices</li> </ul>                             | <ul style="list-style-type: none"> <li>Home size not greater than 1,600 sq. ft.</li> <li>10% of units affordable housing</li> <li>Projects with ≥ 20 units must get 3 points in "Unit Type" category</li> </ul>            |
| <b>Tier 1</b>                                                                                                                                                                                                      |                                                                                                                                                                                                           |                                                                                                                                                                                                                            |
| No Density Bonus                                                                                                                                                                                                   | <ul style="list-style-type: none"> <li>LEED Certification, BuiltGreen 4, or Evergreen Sustainable Development</li> <li>14 Points in Innovative Site Development</li> </ul>                                | <ul style="list-style-type: none"> <li>Home size not greater than 1,600 sq. ft.</li> <li>4 points (projects with &lt; 20 units) in "Housing Diversity" category</li> <li>5 points (projects with ≥ 20 units) in</li> </ul> |

| Table 2.16.020.Q-1: Housing Design Demonstration Project Scoring System                  |                                                          |                                                                                                                                 |
|------------------------------------------------------------------------------------------|----------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|
| Density Incentives                                                                       | Requirements to Receive Incentives                       |                                                                                                                                 |
|                                                                                          | Green Building and Innovative Site Development Practices | Housing Diversity<br><br>“Housing Diversity” category<br><br>Projects with ≥ 20 units must get 2 points in “Unit Type” category |
| NOTE: For Tiers 2 and 3 required affordable housing units:                               |                                                          |                                                                                                                                 |
| o Home ownership projects: 50% of required affordable house units should serve ≤ 80% AMI |                                                          |                                                                                                                                 |
| o Rental projects: 50% of required affordable house units should serve ≤ 60% AMI         |                                                          |                                                                                                                                 |

| Table 2.16.020.Q-2 Housing Diversity Scoring Method |                                         |                                                                                                                                                                                                                                                                               |                 |              |                                                                                                                                                                                                                                                                                                                                                                                                                     |                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |       |
|-----------------------------------------------------|-----------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|--------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
|                                                     |                                         | Affordable Housing                                                                                                                                                                                                                                                            |                 |              | Unit Size                                                                                                                                                                                                                                                                                                                                                                                                           |                    | Unit Type                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |       |
|                                                     |                                         | Project includes a number of housing units that are designated affordable for a period of 50 years to the spectrum of income levels as defined by BIMC 18.36.030.16 and 18.21.020.A. Rental housing is encouraged by awarding more points for the creation of rental housing. |                 |              | Project includes a variety of unit sizes, excluding garages, that provide for a broad mix of income levels and family size. In order to score a point in a unit size range, the project shall provide at least 10% of the total number of units in that range. For example, in a 40-unit development, at least 4 units sized between 1,001 and 1,200 ft <sup>2</sup> would be needed to score points in that range. |                    | Unit type: Project includes a variety of housing unit types (i.e., single-family style, townhouse, flat, age-in-place, ADUs, cottages) or innovative type of housing. In order to score points for different unit types, the project shall provide at least 10% of the total number units of that type. For example, in a 40-unit development of townhomes and duplexes, at least 4 units of townhomes would be needed to score points for having 2 different unit types. |       |
| TIER                                                | Total Housing Diversity Points Required | % Affordable Units                                                                                                                                                                                                                                                            | Ownership Value | Rental Value | Unit Size Range                                                                                                                                                                                                                                                                                                                                                                                                     | Value              | Number of Different Unit Types                                                                                                                                                                                                                                                                                                                                                                                                                                            | Value |
|                                                     |                                         | 10%                                                                                                                                                                                                                                                                           | 10              | 12           | < 800 ft <sup>2</sup>                                                                                                                                                                                                                                                                                                                                                                                               | 1                  | 2                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 2     |
|                                                     |                                         | 11 – 15%                                                                                                                                                                                                                                                                      | 12              | 14           | 801 – 1,000 ft <sup>2</sup>                                                                                                                                                                                                                                                                                                                                                                                         | 1                  | 3                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 3     |
|                                                     |                                         | 16 – 20%                                                                                                                                                                                                                                                                      | 14              | 16           | 1,001 – 1,200 ft <sup>2</sup>                                                                                                                                                                                                                                                                                                                                                                                       | 1                  | 4                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 4     |
|                                                     |                                         | 21 – 25%                                                                                                                                                                                                                                                                      | 16              | 18           | 1,201 – 1,400 ft <sup>2</sup>                                                                                                                                                                                                                                                                                                                                                                                       | 1                  | 5                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 5     |
|                                                     |                                         | More than 25%                                                                                                                                                                                                                                                                 | 20              | 22           | 1,401 – 1,600 ft <sup>2</sup>                                                                                                                                                                                                                                                                                                                                                                                       | 1                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |       |
|                                                     |                                         | Minimum % Required                                                                                                                                                                                                                                                            |                 |              | Size Requirement                                                                                                                                                                                                                                                                                                                                                                                                    | Min. Pts. Required | Min. Pts. Required                                                                                                                                                                                                                                                                                                                                                                                                                                                        |       |
| 4                                                   | 10 pts                                  | 10%                                                                                                                                                                                                                                                                           |                 |              | Max. home size 1,600 ft <sup>2</sup>                                                                                                                                                                                                                                                                                                                                                                                | NA                 | NA                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |       |
| 3                                                   | 20 pts                                  | 50%                                                                                                                                                                                                                                                                           |                 |              | Max. home size 1,600 ft <sup>2</sup>                                                                                                                                                                                                                                                                                                                                                                                | NA                 | NA                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |       |
| 2                                                   | 12 pts (projects < 20)                  | 10%                                                                                                                                                                                                                                                                           |                 |              | Max. home size 1,600 ft <sup>2</sup>                                                                                                                                                                                                                                                                                                                                                                                | NA                 | Projects ≥ 20 units must get 3 pts in “unit type”                                                                                                                                                                                                                                                                                                                                                                                                                         |       |

**Table 2.16.020.Q-2 Housing Diversity Scoring Method**

|          |                                                            | <b>Affordable Housing</b><br>Project includes a number of housing units that are designated affordable for a period of 50 years to the spectrum of income levels as defined by BMC 18.36.030.16 and 18.21.020.A. Rental housing is encouraged by awarding more points for the creation of rental housing. | <b>Unit Size</b><br>Project includes a variety of unit sizes, excluding garages, that provide for a broad mix of income levels and family size. In order to score a point in a unit size range, the project shall provide at least 10% of the total number of units in that range. For example, in a 40-unit development, at least 4 units sized between 1,001 and 1,200 ft <sup>2</sup> would be needed to score points in that range. |    | <b>Unit Type</b><br>Unit type: Project includes a variety of housing unit types (i.e., single-family style, townhouse, flat, age-in-place, ADUs, cottages) or innovative type of housing. In order to score points for different unit types, the project shall provide at least 10% of the total number units of that type. For example, in a 40-unit development of townhomes and duplexes, at least 4 units of townhomes would be needed to score points for having 2 different unit types. |
|----------|------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|          | units)<br>15 pts<br>(projects ≥ 20 units)                  |                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                         |    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>1</b> | 4 pts (projects < 20 units)<br>5 pts (projects ≥ 20 units) | NA                                                                                                                                                                                                                                                                                                        | Max. home size 1,600 ft <sup>2</sup>                                                                                                                                                                                                                                                                                                                                                                                                    | NA | Projects ≥ 20 units must get 2 pts in "unit type"                                                                                                                                                                                                                                                                                                                                                                                                                                             |



Table 2.16.020.Q-3 Innovative Site Development Scoring Method

| TIER | Minimum Site Development Point Requirement | Water Quality and Conservation                                                                                                                                                                                                                                                                                                  |                                                                                          | Requirement      | Value | Landscaping and Open Space |                                                                       |                 | Transportation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|------|--------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|------------------|-------|----------------------------|-----------------------------------------------------------------------|-----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|      |                                            |                                                                                                                                                                                                                                                                                                                                 |                                                                                          |                  |       | % of Open Space            | Value                                                                 | Value if Public |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 4    | 30                                         | Projects use methods to decrease water usage and improve stormwater runoff quality through an integrated approach to stormwater management such as greywater use, stormwater collection in cisterns, vegetated roofs and covered parking.<br>All HDDP projects will follow the stormwater manual adopted in Chapter 15.20 BIMC. | Number of dwelling units that integrate greywater reuse components into building design: |                  |       | 5 – 10%                    | 2                                                                     | 4               | Project provides well-designed common open space, with at least 5 percent of the gross land area set aside as open space and designed as an integrated part of the project rather than an isolated element. The common open space must be outside of critical areas and their buffers and required roadside buffers. Appropriate community amenities such as playgrounds, composting and neighborhood gardens promoting the production of locally grown food are encouraged. Resident neighborhood community gardens can be in common open space areas, and shall be appropriately located for solar exposure, and include water availability, soil amenities, and storage for garden tools. Required growing space for neighborhood gardens is 60 square feet per dwelling unit, not including any existing orchard area. Open space dedicated to the public pursuant to the standards of BIMC 17.12.030.A.1, A.2, A.3, A.6 and A.7 is encouraged. | Project design provides enhanced sensitivity to pedestrian and bicycle travel to promote the people getting around without a car, a reduced carbon footprint, improved health of humans, and lower pollution levels. Project internally preserves existing informal internal connection to external nonmotorized facilities, furthering the Island-wide Transportation Plan (IWTTP) and using such solutions as woonerfs, green streets, and natural trails and paths. Project reduces reliance on automobiles and trip counts, and promotes alternative transportation, such as integrating parking and charging facilities for electric cars, or bus shelters. |
|      |                                            |                                                                                                                                                                                                                                                                                                                                 |                                                                                          | 10%              |       | 11 – 15%                   | 4                                                                     | 6               | Project preserves, creates or integrates internal and external nonmotorized connections.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 2                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|      |                                            |                                                                                                                                                                                                                                                                                                                                 |                                                                                          | 1                |       | 16 – 20%                   | 6                                                                     | 8               | Provides public walkways, separated paths, or bike lanes. No points for facilities required by IWTTP.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 3                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|      |                                            |                                                                                                                                                                                                                                                                                                                                 |                                                                                          | 2                |       | 21 – 25%                   | 8                                                                     | 10              | On-site car sharing program                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 1 per each car                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 3    | 25                                         | 21 – 30%<br>Over 31%                                                                                                                                                                                                                                                                                                            | 3<br>4                                                                                   | 21 – 25%         | 8     | 10                         | Electric vehicle charging stations for 3% of vehicle parking capacity | 3               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|      |                                            |                                                                                                                                                                                                                                                                                                                                 |                                                                                          | Greater than 25% | 10    | 12                         | Covered                                                               | 3               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

The Bainbridge Island Municipal Code is current through Ordinance 2018-09, and legislation passed through March 27, 2018.

Table 2.16.020.Q-3 Innovative Site Development Scoring Method

| TIER | Minimum Site Development Point Requirement | Water Quality and Conservation                                                                                                                                                                                                                                                                                                  |  | Landscaping and Open Space                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Transportation                             |   |
|------|--------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|---|
|      |                                            | Projects use methods to decrease water usage and improve stormwater runoff quality through an integrated approach to stormwater management such as greywater use, stormwater collection in cisterns, vegetated roofs and covered parking.<br>All HDDP projects will follow the stormwater manual adopted in Chapter 15.20 BIMC. |  | Project provides well-designed common open space, with at least 5 percent of the gross land area set aside as open space and designed as an integrated part of the project rather than an isolated element. The common open space must be outside of critical areas and their buffers and required roadside buffers. Appropriate community amenities such as playgrounds, composting and neighborhood gardens promoting the production of locally grown food are encouraged. Resident neighborhood community gardens can be in common open space areas, and shall be appropriately located for solar exposure, and include water availability, soil amenities, and storage for garden tools. Required growing space for neighborhood gardens is 60 square feet per dwelling unit, not including any existing orchard area. Open space dedicated to the public pursuant to the standards of BIMC 17.12.030.A.1, A.2, A.3, A.6 and A.7 is encouraged. | Project design provides enhanced sensitivity to pedestrian and bicycle travel to promote the people getting around without a car, a reduced carbon footprint, improved health of humans, and lower pollution levels. Project internally preserves existing informal internal connection to external nonmotorized facilities, furthering the Island-wide Transportation Plan (IWTIP) and using such solutions as woonerfs, green streets, and natural trails and paths. Project reduces reliance on automobiles and trip counts, and promotes alternative transportation, such as integrating parking and charging facilities for electric cars, or bus shelters. | consolidated bike parking for subdivisions |   |
| 2    | 25                                         | Percentage of total roof area qualifying as "vegetated roofs":<br><br>15 – 30%<br><br>Over 31%                                                                                                                                                                                                                                  |  | Incorporates neighborhood garden                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 2                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Bus shelter                                | 2 |
|      |                                            |                                                                                                                                                                                                                                                                                                                                 |  | Preserves tree that qualifies as a "heritage tree" under city program. The tree is not otherwise required to be preserved.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 2 per tree                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                            |   |
|      |                                            |                                                                                                                                                                                                                                                                                                                                 |  | All private yard areas ≤ 20% turf                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 4                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                            |   |
|      |                                            | Project integrates cisterns: % of total roof area directed to cisterns:                                                                                                                                                                                                                                                         |  | Project landscaping integrates at least 60% native or drought tolerant plants                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 4                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                            |   |

The Bainbridge Island Municipal Code is current through Ordinance 2018-09, and legislation passed through March 27, 2018.

| Table 2.16.020.Q-3 Innovative Site Development Scoring Method |                                            |                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                       |                       |
|---------------------------------------------------------------|--------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|-----------------------|
| TIER                                                          | Minimum Site Development Point Requirement | Water Quality and Conservation                                                                                                                                                                                                                                                                                                  | Landscaping and Open Space                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                       |                       |
|                                                               |                                            |                                                                                                                                                                                                                                                                                                                                 | Transportation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                       |                       |
|                                                               |                                            |                                                                                                                                                                                                                                                                                                                                 | Project design provides enhanced sensitivity to pedestrian and bicycle travel to promote the people getting around without a car, a reduced carbon footprint, improved health of humans, and lower pollution levels. Project internally preserves existing informal internal connection to external nonmotorized facilities, furthering the Island-wide Transportation Plan (ITWP) and using such solutions as woonerfs, green streets, and natural trails and paths. Project reduces reliance on automobiles and trip counts, and promotes alternative transportation, such as integrating parking and charging facilities for electric cars, or bus shelters.                                                                                                                                                                                                                                                                                     |                       |                       |
| 1                                                             | 14                                         | Projects use methods to decrease water usage and improve stormwater runoff quality through an integrated approach to stormwater management such as greywater use, stormwater collection in cisterns, vegetated roofs and covered parking.<br>All HDDP projects will follow the stormwater manual adopted in Chapter 15.20 BIMC. | Project provides well-designed common open space, with at least 5 percent of the gross land area set aside as open space and designed as an integrated part of the project rather than an isolated element. The common open space must be outside of critical areas and their buffers and required roadside buffers. Appropriate community amenities such as playgrounds, composting and neighborhood gardens promoting the production of locally grown food are encouraged. Resident neighborhood community gardens can be in common open space areas, and shall be appropriately located for solar exposure, and include water availability, soil amenities, and storage for garden tools. Required growing space for neighborhood gardens is 60 square feet per dwelling unit, not including any existing orchard area. Open space dedicated to the public pursuant to the standards of BIMC 17.12.030.A.1, A.2, A.3, A.6 and A.7 is encouraged. |                       |                       |
|                                                               |                                            |                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                       |                       |
|                                                               |                                            |                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                       |                       |
|                                                               |                                            |                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                       |                       |
|                                                               |                                            |                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                       |                       |
| 1                                                             | 14                                         | Percentage of total parking spaces that are covered (i.e., parking garage, carport):                                                                                                                                                                                                                                            | 15 – 30%<br>Over 31%                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 2<br>4                | 1<br>2<br>3<br>4<br>5 |
|                                                               |                                            |                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                       |                       |
|                                                               |                                            |                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                       |                       |
|                                                               |                                            |                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                       |                       |
|                                                               |                                            |                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                       |                       |
| 1                                                             | 14                                         | Percentage of total parking spaces that are covered (i.e., parking garage, carport):                                                                                                                                                                                                                                            | 5 – 20%<br>21 – 40%<br>41 – 60%<br>61 – 80%<br>Over 81%                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 1<br>2<br>3<br>4<br>5 |                       |
|                                                               |                                            |                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                       |                       |
|                                                               |                                            |                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                       |                       |
|                                                               |                                            |                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                       |                       |
|                                                               |                                            |                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                       |                       |



a. Housing Diversity. Evaluation will review:

- i. Unit Type. The project includes a variety of unit types, for example, single-family, townhomes, flats, duplex, cottages, age-in-place or accessory dwelling units;
- ii. Unit Size. The project includes a variety of housing unit sizes that provide for a broad mix of income levels and family size; and
- iii. Affordable Housing. The project includes housing units that are affordable to the spectrum of income levels as defined in Chapter 18.21 BIMC, Affordable Housing, except that affordable housing units required for a housing design demonstration project must use the Bremerton-Silverdale Average Median Income (AMI). Designated affordable housing shall remain affordable for 50 years from the time of final inspection on the affordable unit. The applicant shall record covenants that demonstrate how the unit will remain affordable and be managed for 50 years.

b. Innovative Site Development. Evaluation will review:

- i. Water Quality and Conservation. Projects use methods to decrease water usage and improve stormwater runoff quality through an integrated approach to stormwater management such as greywater use, stormwater collection in cisterns, vegetated roofs and covered parking. All HDDP projects will follow the Department of Ecology's 2012 Stormwater Management Manual for Western Washington, as amended in December 2014.
- ii. Landscaping. The project uses low maintenance landscaping that integrates a high proportion of native plants or drought-tolerant plants that are climate appropriate. The project limits the amount of "lawn" in private yards in favor of common open space. Projects are encouraged to use cisterns to collect rainwater for irrigation or garden use.
- iii. Common Open Space. The project provides connected common open space area set aside as active open space and designed and integrated into the project. The open space could include active elements such as a neighborhood garden/pea patch and composting facilities, or a playground. Critical areas and their buffers and required roadside buffers do not contribute to "common open space" under the housing design demonstration project program.
- iv. Transportation. The project (A) uses a design that provides enhanced sensitivity to pedestrian travel; (B) internally preserves existing informal, internal connection to external trail(s), or creates new connections where appropriate, to implement the Island-wide Transportation Plan (IWTP); (C) reduces reliance on automobiles and trip counts, and promotes alternative transportation and public transit; (D) minimizes the visual dominance of automobiles throughout the project; or (E) the project accommodates needs of alternative vehicles through techniques such as parking and charging facilities for electric cars, locating rechargeable electric vehicle (EV) parking in a conspicuous and preferred location close to a main building entrance, and integrating a parking space for a vehicle sharing program, such as Zipcar™.

c. Innovative Building Design. The project is constructed under a green building certification program that requires third-party verification such as the Evergreen Sustainable Development, Living Building Challenge standard of the International Living Building Institute, Passive House Institute US/International, LEED or the BuiltGreen Program of the Master Builders of King and Snohomish Counties.

**5. Approval Criteria.** In addition to decision criteria required by the underlying planning permit or approval, an application for a housing design demonstration project may be approved if the following criteria are met:

a. The applicant clearly demonstrates evaluation factors listed in subsection

Q.4 of this section as shown in the housing design demonstration project scoring system as evaluated by the planning department;

- b. The applicant has demonstrated how relief from specific development standards, including setback reductions, lot coverage and/or design guidelines, is needed to achieve the desired innovative design and the goals of this chapter;
- c. The project does not adversely impact existing public service levels for surrounding properties;
- d. The project complies with all other portions of the BIMC, except as modified through this housing design demonstration project process;
- e. If a project will be phased, each phase of a proposed project must contain adequate infrastructure, open space, recreational facilities, landscaping and all other conditions of the project to stand alone if no other subsequent phases are developed; and
- f. The applicant is meeting required housing diversity standards.

6. Development Standard Incentives – Development Projects in the Mixed-Use Town Center. The applicant may request that development standards from BIMC Titles 17 and 18 be modified as part of a housing design demonstration project. The city will review the request to modify development standards through the project review process outlined in subsection Q.3 of this section. Requirements of BIMC Title 16 may not be modified. The following development standards may be modified:

- a. Minimum Lot Dimensions and Size. Reductions in lot size or dimensions are subject to approval by Kitsap County health district.
- b. Maximum Lot Coverage. Maximum lot coverage can be increased by five percent for Tier 1 projects, and 10 percent for Tier 2 projects. For example, for a Tier 1 project in the Madison overlay district, the 35 percent lot coverage limit may be increased to 40 percent. Tier 3 and 4 projects may increase lot coverage above zoning district requirements with no maximum.
- c. Open Space. For MUTC projects developed under BIMC Title 17, flexible lot subdivision, the prescriptive open space requirements in BIMC 17.12.030.A do not apply. Instead, the project shall integrate at least 50 square feet of open space per unit. The open space shall be located along a public or private street or driveway, or public walkway.
- d. Residential Parking. The parking requirements outlined in BIMC 18.15.020 may be modified to require one parking space for homes under 800 square feet and 1.5 parking spaces for homes between 800 and 1,200 square feet. This reduction may not be combined with any other reductions to result in less than one space per unit, and additional guest parking may be required pursuant to BIMC Table 18.15.020-1. A limited number of parking spaces may be designed to accommodate alternative fuel or sub-compact vehicles such as Smart™ cars, with parking stall dimensional standards reduced from the standards outlined in BIMC 18.15.020.J. The applicants are encouraged to work with neighboring property owners to ensure street parking is not overburdened. If the project is requesting a reduction in required parking through the housing design demonstration project program, then the development shall integrate at least one guest parking space for every five dwelling units.
- e. Setbacks. Unless required for public safety purposes, such as sight distance, setbacks required by BIMC Title 18 in any district other than the Mixed-Use Town Center or the High School Road zoning district may be reduced as described below. This section does not supersede lesser setback requirements in the MUTC/HS Road district zones, as outlined in Table 18.12.020-3.
  - i. Zoning Setback Reductions.
    - (A) Front setback within project: 10 feet.
    - (B) Rear setback within project: minimum of five feet.
    - (C) Side setback within project: minimum of five feet.

ii. Subdivision Setback Reductions.

- (A) All interior subdivision setbacks: zero feet.
- (B) Building to exterior subdivision boundary: five feet.
- (C) Building to right-of-way or on-site private access: 10 feet.

f. Building Height. Buildings within the Mixed-Use Town Center or High School Road districts may achieve a maximum building height not to exceed the optional height outlined in Table 18.12.020-3.

7. Development Standard Incentives – Development Projects in Residential Zones. The applicant may request that development standards from BIMC Titles 17 and 18 be modified as part of a housing design demonstration project. The city will review the request to modify development standards through the project review process outlined in subsection Q.3 of this section. Requirements of BIMC Title 16 may not be modified. The following development standards may be modified:

- a. Minimum Lot Dimensions and Size. Reductions in lot size or dimensions are subject to approval by Kitsap County health district.
- b. Maximum Lot Coverage. Maximum lot coverage can be increased by five percent for Tier 1 projects, and 10 percent for Tier 2 projects. For example, for Tier 1 projects in the R-4.3 district, the 25 percent lot coverage limit may be increased to 30 percent. Tier 3 and 4 projects may increase lot coverage above zoning district requirements with no maximum.
- c. Open Space. For residentially zoned projects developed under BIMC Title 17, flexible lot subdivision, the prescriptive open space requirements in BIMC 17.12.030.A do not apply. Instead, the project shall integrate at least 400 square feet of open space per unit. The open space shall be located along a public or private street or driveway, or public walkway. This common consolidated open space would be in addition to any protected critical areas or buffers.
- d. Residential Parking. The parking requirements outlined in BIMC 18.15.020 may be modified to require one parking space for homes under 800 square feet and 1.5 parking spaces for homes between 800 and 1,200 square feet. This reduction may not be combined with any other reductions to result in less than one space per unit, and additional guest parking may be required pursuant to Table 18.15.020-1. A limited number of parking spaces may be designed to accommodate alternative fuel or sub-compact vehicles such as Smart™ cars, with parking stall dimensional standards reduced from the standards outlined in BIMC 18.15.020.J. The applicants are encouraged to work with neighboring property owners to ensure street parking is not overburdened. If the project is requesting a reduction in required parking through the housing design demonstration project, then the development shall integrate at least one guest parking space for every five dwelling units.
- e. Setbacks. Unless required for public safety purposes, such as sight distance, zoning and subdivision setbacks required by BIMC Title 18 may be reduced as described below. Additional vegetative landscaping screen may be required by the director when reducing setbacks.

i. Zoning Setback Reductions.

- (A) Front setback to on-site access: 10 feet.

ii. Subdivision Setback Reductions.

- (A) All interior subdivision setbacks: zero feet.
- (B) Building to on-site access: 10 feet.

8. Density Bonus Incentives. An increase in residential base density may be permitted as outlined in Table 2.16.020.Q-4.



| <b>Table 2.16.020.Q-4: Housing Diversity Program Project Density Bonuses</b> |                                                                             |
|------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| <b>Tier 4</b>                                                                |                                                                             |
| •                                                                            | 2.5 x Base Density                                                          |
| •                                                                            | Max. Bonus Mixed-Use FAR (all residential)                                  |
| <b>Tier 3</b>                                                                |                                                                             |
| •                                                                            | 2.5 x Base Density                                                          |
| •                                                                            | OR Max. Bonus Mixed-Use FAR (all residential)                               |
| <b>Tier 2</b>                                                                |                                                                             |
| •                                                                            | 1.5 x Base Density (R-8 and R-14)                                           |
| •                                                                            | 2.0 x Base Density not to exceed R-8 density (R-2, R-2.9, R-3.5, and R-4.3) |
| •                                                                            | Max. Bonus Mixed-Use FAR (all residential)                                  |
| <b>Tier 1</b>                                                                |                                                                             |
| •                                                                            | No Density Bonus                                                            |

9. Housing Project Visit. In order to learn from the innovative design practices used, all projects completed under this subsection Q shall allow city staff to conduct occasional site tours. City staff will make a request of the property owner prior to conducting a tour and will not access the properties for tours more than once every three months. The site tours will be limited to the exterior and common grounds of the property, and conducted during regular business hours. Visits will be coordinated through the staff and property owner, and the owner will receive written notice no less than two weeks in advance of each visit. Any additional access to private property or at alternative times shall be at the permission and cooperation of the individual homeowner only.

10. Demonstration Period. This subsection Q and related provisions of BIMC Titles 2, 17, and 18 shall expire on December 31, 2019. (Ord. 2018-08 §§ 2 – 6, 2018; Ord. 2017-03 § 1, 2017; Ord. 2016-28 §§ 2, 3 (Exh. A), 2016; Ord. 2016-27 §§ 1 – 5, 2016; Ord. 2013-25 §§ 2, 3, 2013; Ord. 2012-09 § 1, 2012; Ord. 2011-02 § 2 (Exh. A), 2011)

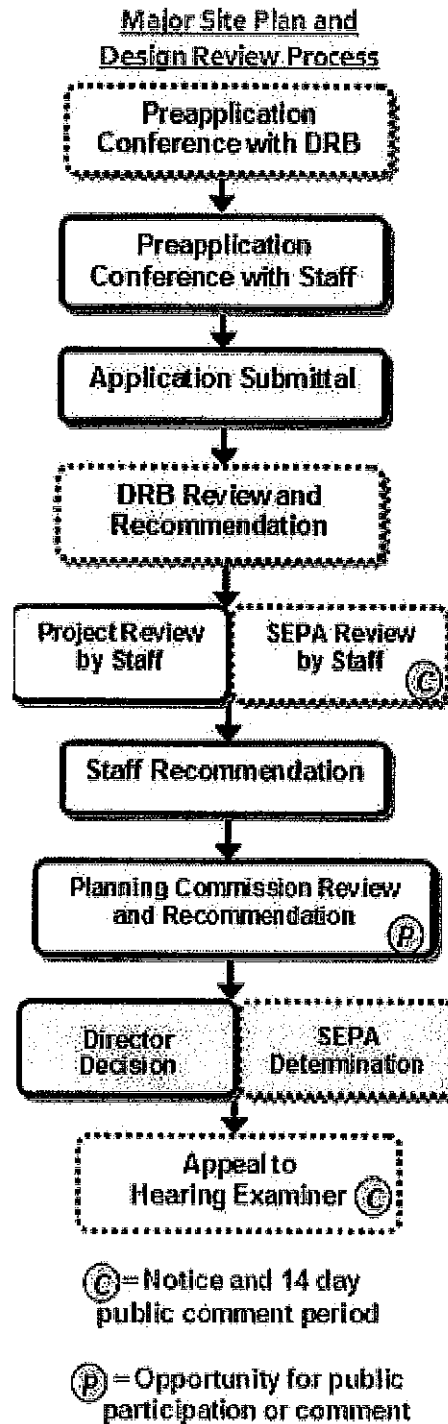
#### **2.16.030 Administrative review – In general.**

A. Purpose. The purpose of this section is to establish procedures for administrative decision-making on land use applications. These provisions apply when BIMC does not describe more detailed administrative procedures for a specific type of application, and also supplement those more specific administrative procedures where they exist. If there is an inconsistency between these general administrative provisions and more detailed administrative provisions for a specific type of application elsewhere in the BIMC, the more specific provisions shall govern.

B. Applicability. This section applies each time a provision of the BIMC authorizes administrative review of a land use application, except site plan and design review (which is covered under BIMC 2.16.040), including those administrative approvals described in Chapter 16.12 BIMC, with the exception of shoreline substantial development permit applications, shoreline conditional use permit applications, and shoreline variance applications, which must go to the Washington Department of Ecology pursuant to WAC 173-27-130 and RCW 90.58.140(10) for a 21-day appeal period. The specific types of applications subject to administrative review are listed in the table in BIMC 2.16.010. When an application requires both an administrative approval under BIMC Title 17 or Title 18 and also a shoreline jurisdiction approval under Chapter 16.12 BIMC, those approvals may be processed simultaneously.



C. Public Comment. Any person may comment on a proposed application by submitting written comments prior to the end of the notice of application 21-day comment period (except for those applications for which no notice is required under BIMC 2.16.020.K).



**D. Decision Procedures.**

1. Criteria for Decision. In making the decision, the department director shall consider the applicable decision criteria of this code, all other applicable law, and any necessary documents and approvals. When no other criteria are specified, the director shall apply the following criteria:

a. The application must comply with all applicable requirements of the BIMC as well as state and federal law.

b. The application is consistent with the adopted comprehensive plan, and specifically with the character or intended character of the area in which the property is located, as described in the comprehensive plan.

2. Environmental Review. For a land use application subject to Chapter 43.21C RCW and Chapter 16.04 BIMC, a SEPA threshold determination may be issued simultaneously with the final decision of the land use application.

3. Planning Commission Recommendation. When written public comments are received during the public comment period concerning the effect of the land use application on the comprehensive plan, shoreline master program or matters not addressed by specific provisions of this code, the director may request the planning commission to review an application and make a written recommendation prior to the director making a decision. The planning commission will consider the land use application at a public meeting. The planning commission shall recommend approval, approval with conditions or denial of an application. In making a recommendation, the planning commission shall consider the applicable decision criteria of this code, all other applicable law, and any necessary documents and approvals. If the applicable criteria are not met, the planning commission shall recommend the proposal be modified or denied. A planning commission recommendation is not a final decision and therefore there is no appeal of the recommendation. The planning commission's written recommendation and other documents upon which its decision is based shall be immediately transmitted to the director.

**E. Single Report.**

1. The department director shall prepare a single consolidated report setting forth all the recommendations and decisions made on the application as of the date of the report.

2. The report shall state any mitigation required or proposed under the development regulations or as required through SEPA, Chapter 43.21C RCW. The report shall include the SEPA determination if a determination has not previously been issued.

3. If an administrative shoreline master program permit is required for the project pursuant to Chapter 16.12 BIMC, the report shall address the requirements of that chapter.

**F. Department Director Decision.** The department director may approve, approve with conditions, or deny the application based on the decision criteria, findings of fact, recommendations of the planning commission and design review board as applicable, and any necessary documents and approvals.

**G. Corrections or Clarification.** The department director may amend the decision at any time to correct clerical errors clearly identifiable from the public record. Such a correction does not affect any time limit provided for in this chapter. The department director may clarify a statement in the written decision at any time as long as the clarification does not materially alter the decision.

**H. Effect of Decision.** The decision of the department director is the final decision of the city, subject to the appeal provisions in BIMC 2.16.020.P.

**I. Revocation of Administrative Approvals.** An administrative approval may be revoked by the director upon the finding of any one or more of the following:

1. That the approval was obtained by deception, fraud or other intentional or misleading representation; or



2. That the use for which approval was granted has been changed; or
3. In the case of minor conditional use permits, that the use has at any time been discontinued for a year or more; or
4. That the permit granted is being exercised contrary to the terms or conditions of such approval or in violation of the code; or
5. That the use for which the approval was granted was so exercised as to be detrimental to the public health or safety. (Ord. 2011-02 § 2 (Exh. A), 2011)

#### **2.16.040 Site plans and design review.**

A. Purpose. The purpose of this section is to establish a comprehensive site plan and design review process that ensures compliance with the adopted plans, policies, and ordinances of the city. The overall goal of this chapter is to minimize land alteration, provide greater site development flexibility and consequently provide more creative and imaginative design than generally is possible under conventional zoning regulations. It is further intended to provide for the review of development proposals with respect to overall site design and to provide a means for guiding development in a logical, safe, attractive, and expedient manner, while also allowing property to be developed in phases. An additional purpose is to promote those specific purposes for each zoning district stated in Chapter 18.06 BIMC.

#### **B. Applicability.**

1. Site plan and design review shall be required prior to the issuance of construction permits in any of the following circumstances:
  - a. The new construction of a nonresidential building or other structure; or
  - b. The expansion, remodel, or alteration of any building or other structure by more than five percent of its existing floor area, or overall size in cases where floor area is not applicable; or expansion that creates a new dwelling unit; or
  - c. A change of use, where traffic, parking, noise or other impacts are greater than the impacts for the previously existing use, as determined by the director; or
  - d. The construction of new wireless communications support structures (but not the location of wireless facilities on existing buildings).
2. Exemptions. The following types of activities shall not require site plan and design review pursuant to this section. Properties within jurisdiction of the shoreline master program, as defined by Chapter 16.12 BIMC, or containing critical areas or critical area buffers, as defined by Chapter 16.20 BIMC, may require review pursuant to those chapters.
  - a. Permits authorizing residential construction for detached single-family residential use and accessory dwelling units.
  - b. Any activity that does not require a building permit or is not considered a change in use, as determined by the director.
  - c. Any activity on the exterior of a building that does not exceed 25 percent change in any existing facade or roof form.
  - d. Interior work that does not alter the exterior of the structure or affect parking standards as determined by the director.
  - e. Normal building maintenance and repair.



f. Maintenance or expansion of existing parks where the proposed activities are exempt from SEPA review in accordance with WAC 197-11-800.

g. Construction of public communications towers.

3. The provisions of this section supplement those of BIMC 2.16.020 and 2.16.030 when the application is for site plan or design review. In the event of a conflict between the provisions of BIMC 2.16.020 or 2.16.030 and this section, the provisions of this section shall govern.

C. Procedures. This section provides two methods of site plan and design review: major and minor. Application materials for both major and minor site plan and design review can be found in the administrative manual.

1. Minor. Minor site plan and design review is required for minor projects that can clearly meet the decision criteria in subsection E of this section, as determined by the director. Examples of minor administrative projects include: (a) a fourplex multifamily development; (b) minor commercial remodel or the addition of a small room; and (c) a minor change in use, such as from a church to a preschool.

2. Major. Major site plan and design review requires planning commission review and recommendation, and is required for projects that: (a) are determined by the director to be more complicated than those in subsection C.1 of this section, due to site constraints or the complexity of the project; or (b) receive written public comment(s) during the public comment period concerning the effect on the land use application of the comprehensive plan, shoreline master program, or matters not addressed by specific provisions of this code; or (c) are located on property zoned business/industrial after November 22, 1999.

#### **D. Design Process.**

##### **1. Site Assessment.**

a. An applicant is required to conduct a site assessment identifying existing watercourses/wetlands, significant trees and vegetation, critical areas and other natural features, and open space in accordance with the design process, and development standards of Chapter 15.20 BIMC and BIMC 18.12.020 if applicable.

b. An applicant for a site plan and design review proposal is required to prepare maps, site plan(s) and studies (as specified in the submittal requirements) to show how the proposal promotes the purpose and meets the standards of the zoning district and chapter.

##### **2. Two-Step Preapplication Conference.**

a. Applicants for projects involving multifamily, mixed use, or commercial development subject to design guidelines shall first meet with the design review board to discuss the design concept for the development.

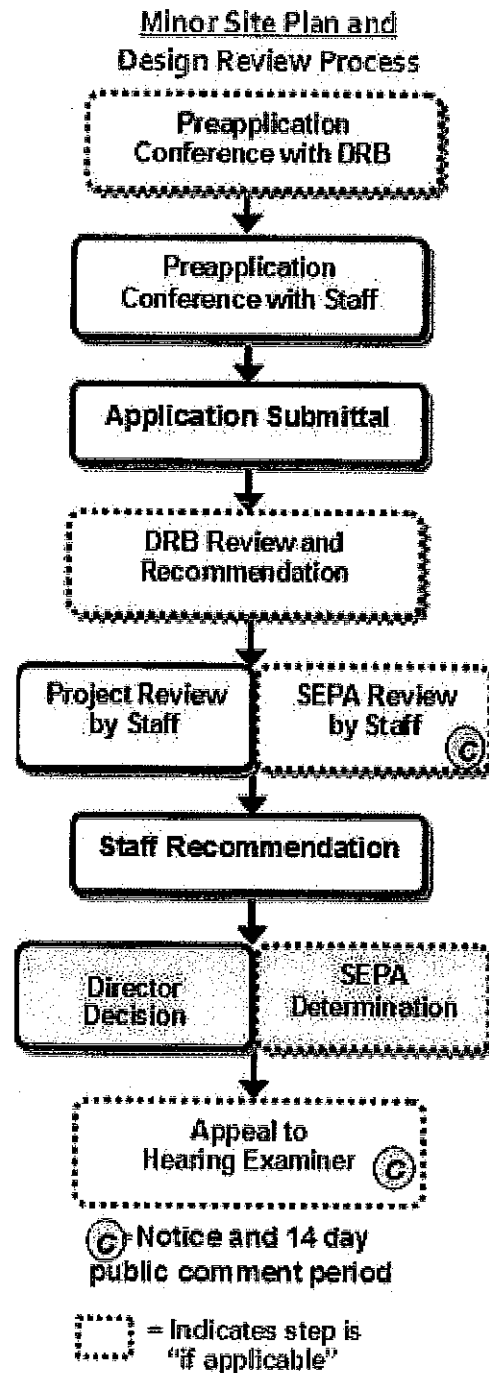
b. An applicant for a major site plan and design review permit is required to participate in a community meeting through the city's public participation program outlined in Resolution No. 2010-32. The meeting will be held after the design review board meeting during the preapplication conference phase of the project.

c. Following the design review board meeting, the applicant shall meet with appropriate staff and agencies at a required preapplication conference as described in BIMC 2.16.020.G.

d. The director may waive one or both steps of the preapplication conference in accordance with BIMC 2.16.020.G.3 if the director determines that the nature of the application makes them unnecessary.

e. Within 14 days of a preapplication conference, the department staff shall notify the applicant in writing whether the proposal will likely require planning commission review.





3. Application. An applicant may submit an application for site plan and design review at any time after completion of a required preapplication conference or approval of a waiver in accordance with BIMC 2.16.020.G.3. The applicant shall submit a complete application with all required submittal requirements listed in the administrative manual.

4. Application Review.

a. Upon receipt of the application and determination of completeness, the director shall transmit a copy of the application to the Kitsap County health district.

b. In the case of a minor site plan and design review application, the final decision on an application is made by the director based on (i) decision criteria in subsection E of this section, (ii) the DRB recommendation, and (iii) consideration of any public comments received.

c. In the case of a major site plan and design review application, the planning commission shall review the application prior to the final decision by the director. The director shall determine the major issues and specific aspects of the project that the planning commission should review, and shall forward this review directive to the planning commission. The planning commission shall review the application based on the director's review directive, the DRB recommendation, and the decision criteria, consider the application at a public meeting where public comments will be taken, and forward its recommendation to the director in accordance with BIMC 2.16.030.C through E. The director will make the final decision based on (i) the decision criteria in subsection E of this section, (ii) the recommendation of the planning commission, (iii) the design review board recommendation, and (iv) consideration of any public comments received.

#### 5. Relationship to Other Land Development Applications – Consolidated Project Review.

a. If requested by the applicant, a site plan and design review application that is part of a proposal requiring multiple land use permits may be combined in a consolidated project review. Related applications requiring a public hearing shall be considered at one public hearing in accordance with BIMC 2.16.170.

b. If a site plan and design review application is part of a consolidated project, the director will review the site plan and design review application as prescribed under subsection D.4.a or D.4.b of this section, as appropriate, and forward the findings and decision to the appropriate hearing body for any required public hearing.

**E. Decision Criteria.** The director and planning commission shall base their respective recommendations or decisions on site plan and design review applications on the following criteria:

1. The site plan and design is in conformance with applicable code provisions and development standards of the applicable zoning district, unless a standard has been modified as a housing design demonstration project pursuant to BIMC 2.16.020.Q;

2. The locations of the buildings and structures, open spaces, landscaping, pedestrian, bicycle and vehicular circulation systems are adequate, safe, efficient and in conformance with the Island-Wide Transportation Plan;

3. The Kitsap County health district has determined that the site plan and design meets the following decision criteria:

a. The proposal conforms to current standards regarding domestic water supply and sewage disposal; or if the proposal is not to be served by public sewers, then the lot has sufficient area and soil, topographic and drainage characteristics to permit an on-site sewage disposal system.

b. If the health district recommends approval of the application with respect to those items in subsection E.3.a of this section, the health district shall so advise the director.

c. If the health district recommends disapproval of the application, it shall provide a written explanation to the director.

4. The city engineer has determined that the site plan and design meets the following decision criteria:

a. The site plan and design conforms to regulations concerning drainage in Chapters 15.20 and 15.21 BIMC; and



- b. The site plan and design will not cause an undue burden on the drainage basin or water quality and will not unreasonably interfere with the use and enjoyment of properties downstream; and
- c. The streets and pedestrian ways as proposed align with and are otherwise coordinated with streets serving adjacent properties; and
- d. The streets and pedestrian ways as proposed are adequate to accommodate anticipated traffic; and
- e. If the site will rely on public water or sewer services, there is capacity in the water or sewer system (as applicable) to serve the site, and the applicable service(s) can be made available at the site; and
- f. The site plan and design conforms to the “City of Bainbridge Island Design and Construction Standards,” unless the city engineer has approved a variation to the road standards in that document based on his or her determination that the variation meets the purposes of BIMC Title 18.

5. The site plan and design is consistent with all applicable design guidelines in BIMC Title 18, unless strict adherence to a guideline has been modified as a housing design demonstration project pursuant to BIMC 2.16.020.Q;

- 6. No harmful or unhealthful conditions are likely to result from the proposed site plan;
- 7. The site plan and design is in conformance with the comprehensive plan and other applicable adopted community plans;
- 8. Any property subject to site plan and design review that contains a critical area or buffer, as defined in Chapter 16.20 BIMC, conforms to all requirements of that chapter;
- 9. Any property subject to site plan and design review that is within shoreline jurisdiction, as defined in Chapter 16.12 BIMC, conforms to all requirements of that chapter;
- 10. If the applicant is providing privately owned open space and is requesting credit against dedications for park and recreation facilities required by BIMC 17.20.020.C, the requirements of BIMC 17.20.020.D have been met;
- 11. The site plan and design has been prepared consistent with the purpose of the site design review process and open space goals.

F. Action of Director. The director may approve, approve with conditions, or disapprove the application for site plan and design review. Conditions may be imposed to enable the proposal to meet the standards of the decision criteria.

#### G. Adjustments to Approved Site Plan.

- 1. Minor adjustments to an approved site plan and design review may be made after review and approval by the director. Minor adjustments are those that include minor changes in dimensions or siting of structures or the location of public amenities, but do not include changes to the intensity or character of the use. Minor adjustments are processed through a written request from the applicant and a written response from department staff. The city response is placed in the project file and is effective to modify the approval as described in the response.
- 2. Adjustments other than minor adjustments to an approved site plan and design review require a new or amended application as determined by the director. Major adjustments are those that change the basic design, intensity, density, or character of the use. (Ord. 2017-14 § 1, 2017; Ord. 2017-02 § 2, 2017; Ord. 2016-28 §§ 4, 5, 2016; Ord. 2011-02 § 2 (Exh. A), 2011)

#### 2.16.100 Quasi-judicial review by hearing examiner – In general.

A. Purpose. The purpose of this section is to describe those general procedures that apply whenever state law or the BIMC require a public hearing before a hearing examiner and a recommendation or decision by the hearing examiner.



B. Applicability. This section applies each time a provision of this code authorizes a recommendation or a final decision by the hearing examiner. The specific types of applications subject to review by the hearing examiner are listed in the table in BIMC 2.16.010. The provisions of this section are supplemented by more detailed provisions in BIMC 2.16.110, 2.16.120, 2.16.160, 2.16.165, and/or 16.20.080.

C. Procedures.

1. SEPA Environmental Review. For a land use application subject to Chapter 43.21C RCW and Chapter 16.04 BIMC, the SEPA threshold determination shall be issued and any required public comment period shall be completed prior to a public hearing.

2. Planning Commission Review and Recommendation. When written public comments are received during the public comment period concerning the effect of the land use application on the comprehensive plan, the shoreline master program, or matters not addressed by specific provisions of this code, the director or the hearing examiner may request planning commission review and recommendation pursuant to the procedures in BIMC 2.14.020.G prior to the final decision.

3. Single Report.

a. The director shall prepare a single consolidated report setting forth all the recommendations and decisions made on the application as of the date of the report.

b. The report shall state any mitigation required or proposed under the development regulations or as required by SEPA, Chapter 43.21C RCW, and shall include the SEPA determination if a determination has not previously been issued.

c. If a shoreline master program permit is required for the project pursuant to Chapter 16.12 BIMC, the report shall address the requirements of that section.

d. The director's report shall be presented to the hearing examiner at the public hearing.

4. Public Hearing. The hearing examiner shall hold a public hearing prior to issuing a decision. The purpose of the public hearing is to review a proposed project for consistency with the BIMC, appropriate elements of the comprehensive plan and all other applicable law, and to provide an opportunity for the public to comment on the project and its compliance with the municipal code, the comprehensive plan and all other applicable law. The hearing examiner shall maintain a record of the exhibits presented and a recording of the testimony and arguments presented, which shall be kept by the city clerk. Any rules of procedure for hearings adopted by the hearing examiner shall be kept on file with the office of the city clerk. A hearing may be continued to a date certain without additional notice.

5. Participation in the Public Hearing. Any person may participate in the public hearing. The hearing examiner has discretion to limit testimony to relevant, nonrepetitive comments and to set time limits.

6. Hearing Examiner Action.

a. The hearing examiner may approve, approve with conditions, deny or remand an application.

b. In making a decision, the hearing examiner shall consider the applicable decision criteria of this code, all other applicable laws, recommendations of the planning commission and design review board, testimony presented at the hearing, and any necessary documents and approvals. In the case of decisions involving properties subject to the shoreline jurisdiction of Chapter 16.12 BIMC, the hearing examiner shall also consider consistency with the requirements of the shoreline master program.

c. The hearing examiner shall issue a written decision in accordance with BIMC 2.16.020.K.7, within 10 working days of the public hearing, unless a longer period is agreed upon by the hearing examiner and the applicant or appellant. If the hearing examiner and the applicant or appellant agree on a longer period for issuance of the written decision, the examiner shall provide notice of the extension to the applicant or

appellant, the city, and any person who testified at the hearing or submitted written testimony for consideration at the hearing.

d. The hearing examiner shall file the decision with the city clerk's office.

7. Motion for Reconsideration. A motion for reconsideration may be filed to correct substantive errors. Such motion shall be filed in writing 10 days from the date the hearing examiner's decision was filed. The motion shall be decided on the record unless, at the hearing examiner's discretion, further public hearing is necessary. If a timely and appropriate request for reconsideration is filed, the appeal period shall begin from the date the decision on the reconsideration is issued.

8. Corrections or Clarification. The hearing examiner at any time may amend the decision to correct clerical errors clearly identifiable from the public record. Such correction does not affect any time limit provided for in this chapter. The hearing examiner may clarify a statement in the written decision as long as the clarification does not materially alter the decision.

9. Effect of Decision.

a. On matters that do not involve shoreline conditional uses or shoreline variances, the decision of the hearing examiner is the final decision of the city, subject to the appeal provisions in BIMC 2.16.020.P.

Pursuant to RCW 90.58.140(10) and WAC 173-27-130, final decisions involving shoreline conditional use permits and shoreline variances are made by the Washington State Department of Ecology. For these types of applications, the hearing examiner's decision is a recommendation subject to approval, approval with conditions, or denial by that department.

10. Revocation of Quasi-judicial Approvals. An approval or permit granted by the hearing examiner may be revoked by the hearing examiner following the procedures in this section upon the finding of any one or more of the following:

- a. That the approval was obtained by deception, fraud or other intentional or misleading representation; or
- b. That the use for which approval was granted has been changed; or
- c. In the case of major conditional use permits, that the use has at any time been discontinued for a year or more; or
- d. That the permit granted is being exercised contrary to the terms or conditions of such approval or in violation of the BIMC; or
- e. That the use for which the approval was granted was so exercised as to be detrimental to the public health or safety. (Ord. 2011-21 § 4, 2011: Ord. 2011-02 § 2 (Exh. A), 2011)

#### **2.16.110 Major conditional use permit.**

A. Purpose. A major conditional use permit is a mechanism by which the city may require specific conditions on development or the use of land to ensure that designated uses or activities are compatible with other uses in the same zone and in the vicinity of the subject property. If imposition of conditions will not make a specific proposal compatible the proposal shall be denied.

B. Applicability.

1. As determined by the director, a major conditional use permit shall be secured from the city prior to establishing or expanding a use according to situations that include, but are not limited to: (a) the proposed use or expansion covers 50 percent or greater of the total lot area; (b) the proposed use is accessed by a local or private road; (c) the proposed use or expansion generates more than 36 total trips per day; (d) the proposed use or expansion contains four or more units in a multifamily dwelling; or (e) requests for additional nonresidential building height pursuant to Table 18.12.020-1, 18.12.020-2, or 18.12.020-3.

2. Any activity that is exempt from the request for a minor conditional use permit pursuant to BIMC 2.16.050.B.2 is also exempt from the request for a major conditional use permit.

3. The provisions of this section supplement those of BIMC 2.16.020 and 2.16.100 when the application is for a conditional use permit. In the event of a conflict between the provisions of BIMC 2.16.020 or 2.16.100 and this section, the provisions of this section shall govern.

4. Temporary uses and events may be exempt from some or all of the major conditional use permit requirements if the director determines that their impacts on the immediately surrounding area will be minimal.

#### C. Procedures.

1. Major conditional uses shall be approved through the general procedures applicable to quasi-judicial decisions by the hearing examiner in BIMC 2.16.100 except as described below.

2. An applicant for a major conditional use permit is required to participate in a community meeting through the city's public participation program outlined in Resolution No. 2010-32. The meeting will be held after the design review board meeting, if one is required, during the preapplication conference phase of the project.

#### D. Decision Criteria.

1. A conditional use may be approved or approved with conditions if:

a. The conditional use is harmonious and compatible in design, character and appearance with the intended character and quality of development in the vicinity of the subject property and with the physical characteristics of the subject property; provided, that in the case of a housing design demonstration project any differences in design, character or appearance that are in furtherance of the purpose and decision criteria of BIMC 2.16.020.Q shall not result in denial of a conditional use permit for the project; and

b. The conditional use will be served by adequate public facilities including roads, water, fire protection, sewage disposal facilities and storm drainage facilities; and

c. The conditional use will not be materially detrimental to uses or property in the vicinity of the subject property; and

d. The conditional use is in accord with the comprehensive plan and other applicable adopted community plans, including the Island-Wide Transportation Plan; and

e. The conditional use complies with all other provisions of the BIMC, unless a provision has been modified as a housing design demonstration project pursuant to BIMC 2.16.020.Q; and

f. All necessary measures have been taken to eliminate or reduce to the greatest extent possible the impacts that the proposed use may have on the immediate vicinity of the subject property; and

g. Noise levels shall be in compliance with BIMC 16.16.020 and 16.16.040.A; and

h. The vehicular, pedestrian, and bicycle circulation meets all applicable city standards, unless the city engineer has modified the requirements of BIMC 18.15.020.B.4 and B.5, allows alternate driveway and parking area surfaces, and confirmed that those surfaces meet city requirements for handling surface water and pollutants in accordance with Chapters 15.20 and 15.21 BIMC; and

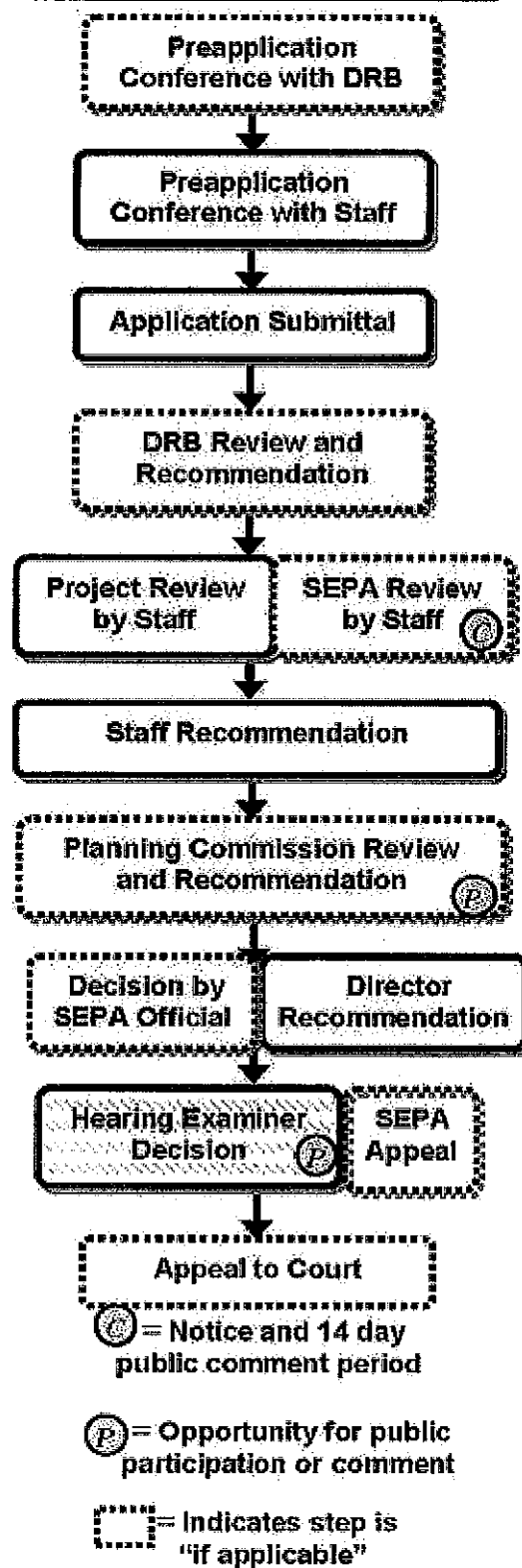
i. The city engineer has determined that the conditional use meets the following decision criteria:

i. The conditional use conforms to regulations concerning drainage in Chapters 15.20 and 15.21 BIMC; and

ii. The conditional use will not cause an undue burden on the drainage basin or water quality and will not unreasonably interfere with the use and enjoyment of properties downstream; and



iii. The streets and pedestrian ways as proposed align with and are otherwise coordinated with streets serving adjacent properties; and

**Major Conditional Use Permit**

iv. The streets and pedestrian ways as proposed are adequate to accommodate anticipated traffic; and

v. If the conditional use will rely on public water or sewer services, there is capacity in the water or sewer system (as applicable) to serve the conditional use, and the applicable service(s) can be made available at the site; and

vi. The conditional use conforms to the “City of Bainbridge Island Engineering Design and Development Standards Manual,” unless the city engineer has approved a variation to the road standards in that document based on his or her determination that the variation meets the purposes of BIMC Title 17.

j. If a major conditional use is processed as a housing design demonstration project pursuant to BIMC 2.16.020.Q, the above criteria will be considered in conjunction with the purpose, goals, policies, and decision criteria of BIMC 2.16.020.Q.

2. If no reasonable conditions can be imposed that ensure the application meets the decision criteria of this chapter, then the application shall be denied.

E. Additional Decision Criteria for Institutions in Residential Zones. Applications to locate any of those uses categorized as educational facilities, governmental facilities, religious facilities, health care facilities, cultural facilities, or clubs in Table 18.09.020 in residential zones shall be processed as major conditional use permits and shall be required to meet the following criteria, in addition to those in subsection D of this section:

1. All sites must front on roads classified as residential suburban, collector, or arterial on the Bainbridge Island functional road classification map.

2. If the traffic study shows an impact on the level of service, those impacts have been mitigated as required by the city engineer.

3. If the application is located outside of Winslow study area, the project shall provide vegetated perimeter buffers in compliance with BIMC 18.15.010.

4. The proposal meets the requirements of the commercial/mixed use design guidelines in BIMC 18.18.030.C.

5. The scale of proposed construction including bulk and height and architectural design features is compatible with the immediately surrounding area.

6. If the facility will have attendees and employees numbering fewer than 50 or an assembly seating area of less than 50, the director may waive any or all the above requirements in this subsection E, but may not waive those required elsewhere in the BIMC.

7. Lot coverage does not exceed 50 percent of the allowable lot coverage in the zone in which the institution is located, except that public schools and governmental facilities, as defined in BIMC Title 18, that are located in the R-0.4 zoning district shall be allowed 150 percent of the lot coverage established in the R-0.4 zoning district, and such public schools and governmental facilities located in other zoning districts shall be allowed 100 percent of the lot coverage established in the underlying zoning district in which the facility is located, unless, regardless of which zoning district such a facility is located, conditions are required to limit the lot coverage to mitigate impacts of the use.

F. Approval of Additional Height in Nonresidential Districts.

1. In the NC zone district a maximum height of 45 feet for nonresidential uses can be approved through the major conditional use permit process if the director determines that: (a) view opportunities are not substantially reduced; (b) fire flow is adequate; and (c) solar access of neighboring lots is not substantially reduced.

2. In the B/I zone district a maximum height of 45 feet can be approved through the major conditional use process if the director determines that: (a) view opportunities are not substantially reduced; (b) fire flow is adequate; (c) solar access of neighboring lots is not reduced; and (d) the appearance of the neighborhood will not substantially change.



3. In the WDI zone district a maximum height of 45 feet can be approved through the major conditional use process if the director determines that (a) view opportunities are not substantially reduced; (b) fire flow is adequate; (c) solar access of neighboring lots is not reduced; and (d) each setback requirement shall be increased one foot for each additional foot of building height allowed. In portions of the WDI district located within the shoreline jurisdiction regulated by Chapter 16.12 BIMC, a shoreline variance may be needed before additional height can be approved.

#### G. Effect of Approval.

1. Once a conditional use permit is approved, no building, use or development shall occur contrary to that specified in the conditional use permit.
2. The owner shall record a declaration with the Kitsap County auditor showing the land to be bound by a conditional use permit. No building permit shall be issued for structures other than those specified in the conditional use approval.
  - a. The declaration shall reference the official files of the city through which the permit was granted; and
  - b. The declaration shall be a covenant running with the land; and
  - c. No building permit shall be issued unless such declaration is recorded.

#### H. Amendments to Approved Major Conditional Use Permit.

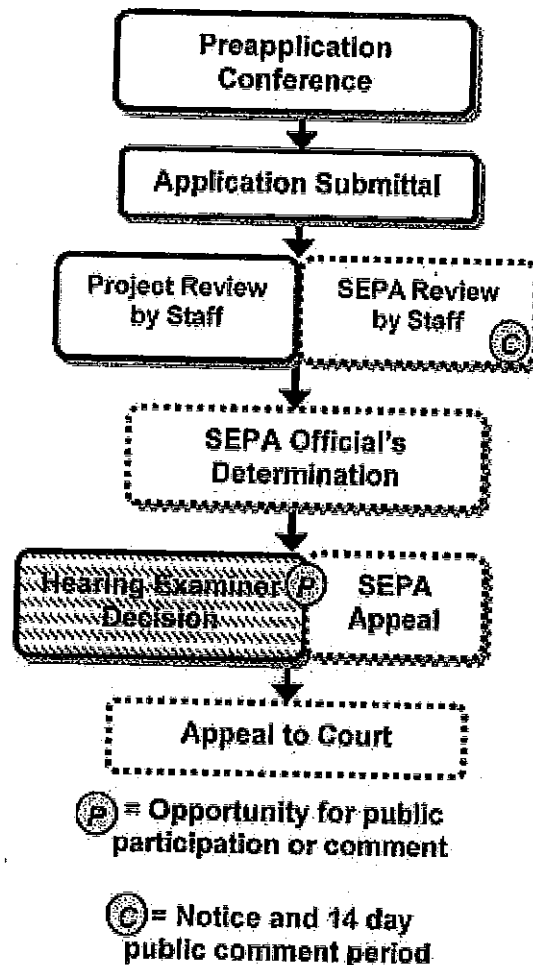
1. Minor adjustments to an approved major conditional use permit may be made after review and approval by the director. Minor adjustments are those that entail small changes in dimensions or siting of structures or the location of public amenities, but do not entail changes to the intensity or character of the use.
2. Major adjustments to an approved major conditional use permit require an amended application and shall be processed in the same manner as a new conditional use permit application. Major adjustments are those that change the basic design, intensity, density, and/or use. (Ord. 2017-02 §§ 1, 6, 2017; Ord. 2016-36 § 1, 2016; Ord. 2016-04 § 1, 2016; Ord. 2011-02 § 2 (Exh. A), 2011)

#### **2.16.125 Preliminary long subdivisions.**

A. Purpose. This section provides a procedure for city council approval of preliminary long subdivision applications in compliance with the provisions of RCW Title 58, BIMC Title 17, and other applicable provisions of Washington State law.

B. Applicability. This procedure applies to all applications for preliminary long subdivisions, as that term is defined in Chapter 17.28 BIMC, and that definition shall prevail over the following summary. Long subdivisions generally involve the division or redivision of land into more than four lots, where some of the lots are smaller than five acres in size.

### Preliminary Long Subdivision



#### C. Procedure.

1. Long subdivisions shall be approved through the quasi-judicial hearing examiner approval procedures described in BIMC 2.16.100 except as described below.

2. The provisions of this section shall supplement those of BIMC 2.16.020 and 2.16.030 when the application is for a long subdivision. In the event of a conflict between the provisions of BIMC 2.16.020 or 2.16.030 and this section, the provisions of this section shall govern.

D. Vesting. A proposed long subdivision shall be reviewed under all applicable city ordinances and the State Environmental Policy Act in effect at the time of complete application, unless a different result is required by provisions of Chapter 58.17 RCW. A later request for additional information shall not change the date on which the application is considered vested.

E. Preapplication Conference. The applicant shall provide copies of one or more proposed or "first draft" composite site plans prepared in accordance with flexible lot design standards of BIMC Title 17 and Chapter 18.12 BIMC for the preapplication conference. Applicants are required to participate in a community meeting through the city's public participation program outlined in Resolution No. 2010-32. The meeting will be held during the preapplication conference phase of the project.

F. Optional Additional Application Materials. In addition to the submittal requirements listed in the administrative manual, the applicant may submit any additional studies, analysis or other information regarding the city's open

space area requirement contained in BIMC 17.12.030.A that the applicant desires the city to consider in connection with imposing the open space requirement on the applicant's proposed long subdivision. The studies, reports or other information shall indicate the basis on which they are made, and may include a demonstration that the open space designation required under BIMC 17.12.030.A is not reasonably necessary as a direct result of the proposed long subdivision, and that an alternative open space designation is in an amount that is reasonably necessary as a direct result of the proposed long subdivision. The city shall consider the applicant's open space studies, analysis or other information as a part of processing and reviewing the long subdivision application.

#### G. Review of Preliminary Long Subdivision Application.

1. **Timeline for Review.** The city has 90 calendar days from the filing of a complete application in which to approve, disapprove, or return the application to the applicant for modification. This time period may be extended only with the approval of the applicant. If no action can be taken to approve or disapprove the application within the 90 calendar days, the director must notify the applicant and surveyor, if applicable, of the reasons for the delay and steps necessary to complete the application for preliminary long subdivision.

#### 2. Review by the Kitsap County Health District.

a. Upon receipt of the application and determination of completeness, the director shall transmit a copy of the application to the health district.

b. The health district shall review the application to ascertain whether (i) the proposal conforms to current standards regarding domestic water supply and sewage disposal; and (ii) if the proposal is not to be served by public sewers, if each lot has sufficient area and soil, topographic and drainage characteristics to permit an on-site sewage disposal system.

c. The health district shall recommend approval, approval with conditions, or disapproval of an application based on those criteria in subsection G.2.b of this section in a timely manner sufficient to allow the city to comply with the review time requirements of subsection G.1 of this section. If at any time during the application process it appears that the review time cannot be met, it shall be the responsibility of the health district to advise the director of the reasons for the delay.

#### 3. Review by the City Engineer.

a. Upon receipt of the application and determination of completeness, the director shall transmit a copy of the application to the city engineer.

b. The city engineer shall provide written recommendation of approval, approval with conditions, or disapproval of the preliminary long subdivision application based on the decision criteria in subsection H of this section.

4. **Review by the Director.** The director shall review the application materials and information provided by the health district and city engineer and shall prepare a report recommending approval, approval with conditions, or disapproval of the application.

5. **Public Hearing with Hearing Examiner.** The hearing examiner will consider the application materials and the director's recommendation regarding the proposed long subdivision application at a public hearing following the procedures of BIMC 2.16.100.C and applicable provisions of BIMC 2.16.020.

H. **Decision Criteria for Preliminary Long Subdivisions.** The hearing examiner's decision shall include findings of fact that the application meets all the requirements of the following subsections:

1. The preliminary long subdivision may be approved or approved with modification if:

a. The applicable subdivision development standards of BIMC Titles 17 and 18 are satisfied; and

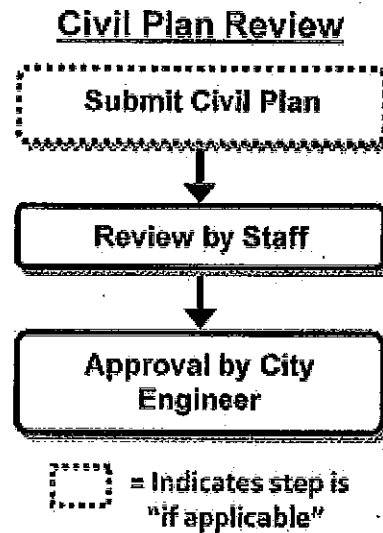
b. The preliminary long subdivision makes appropriate provisions for the public health, safety and general and public use and interest, including those items listed in RCW 58.17.110; and



- c. The preliminary long subdivision has been prepared consistent with the requirements of the flexible lot design process, unless a flexible lot standard has been modified as part of a housing design demonstration project pursuant to BIMC 2.16.020.Q; and
  - d. Any portion of a long subdivision that contains a critical area, as defined in Chapter 16.20 BIMC, conforms to all requirements of that chapter; and
  - e. Any portion of a long subdivision within shoreline jurisdiction, as defined in Chapter 16.12 BIMC, conforms to all requirements of that chapter; and
  - f. The city engineer's recommendation contains determinations that the following decision criteria are met and such determinations are supported by substantial evidence within the record:
    - i. The long subdivision conforms to regulations concerning drainage in Chapters 15.20 and 15.21 BIMC; and
    - ii. The long subdivision will not cause an undue burden on the drainage basin or water quality and will not unreasonably interfere with the use and enjoyment of properties downstream; and
    - iii. The streets and pedestrian ways as proposed align with and are otherwise coordinated with streets serving adjacent properties; and
    - iv. The streets and pedestrian ways as proposed are adequate to accommodate anticipated traffic; and
    - v. If the long subdivision will rely on public water or sewer services, there is capacity in the water or sewer system (as applicable) to serve the long subdivision, and the applicable service(s) can be made available at the site; and
    - vi. The long subdivision conforms to the "City of Bainbridge Island Engineering Design and Development Standards Manual," unless the city engineer has approved a variation to the road standards in that document based on his or her determination that the variation meets the purposes of BIMC Title 17; and
  - g. The subdivision conforms to the requirements of this chapter and the standards in the "City of Bainbridge Island Design and Construction Standards and Specifications," unless the city engineer has approved a variation to the road standards in that document based on his or her determination that the variation meets the purposes of BIMC Title 17; and
  - h. The proposal complies with all applicable provisions of this code, unless the provisions have been modified as part of a housing design demonstration project pursuant to BIMC 2.16.020.Q; Chapters 36.70A and 58.17 RCW; and all other applicable provisions of state and federal laws and regulations; and
  - i. The proposal is in accord with the city's comprehensive plan.
2. A proposed subdivision shall not be approved unless written findings are made that the public use and interest will be served by the platting of such subdivision.

#### I. Civil Plan Review.

- 1. The applicant shall submit civil engineering plans and designs to the city for review by city staff and acceptance by the city engineers before submitting an application for final long subdivision approval.
- 2. No construction on or to the site may take place until civil engineering plans have been received and approved by the city.
- 3. After the preliminary long subdivision and civil engineering plans have been approved, the subdivider is authorized to develop the subdivision's facilities and improvements in strict accordance with the standards established by this title, related standards in BIMC Titles 17 and 18, and any conditions imposed.



**J. Phased Development of Long Subdivision.**

1. Portions of an approved preliminary long subdivision may be processed separately for recording in phases; provided, that (a) the phases were identified in the preliminary long subdivision; and (b) recording of phases is consistent with the conditions of preliminary approval and will meet all the requirements for final approval if subsequent phases are not recorded.
2. Prior to the approval of a phase of a final subdivision, the city engineer or the director may require assurance devices submitted for construction of improvements in subsequent phases if such improvements are necessary for the phases being approved to meet requirements of the subdivision and other applicable ordinances.

**K. Modification of Preliminary Long Subdivision.**

1. An alteration of an approved preliminary long subdivision that does not change the general plat layout, increase off-site impacts of the subdivision, or modify a provision or condition that was a matter of dispute by any party during the preliminary approval process may be made by the director after notice and opportunity to comment are provided to the applicant and all parties of record. The director shall review and approve or disapprove the request for modification following the process set forth in BIMC 2.16.030.
2. Other modifications to an approved long subdivision must be reviewed in accordance with the process for a new subdivision application and shall be approved consistent with the procedures and requirements of this chapter.
3. The following exemptions shall not constitute changes in the preliminary long subdivision approval and do not require further review as provided for under subsection K.1 or K.2 of this section:
  - a. Engineering detail, unless the proposed detail modifies or eliminates features specifically required as an element of the preliminary long subdivision approval. For purposes of this section, "engineering detail" shall mean minor changes to proposed road or lot grading or drainage design that do not significantly affect the location of those facilities, and minor changes to locations of utility pipes, swales, or wires that do not significantly affect their visibility from adjacent roads or properties, and similar minor changes;
  - b. Minor changes in lot lines or lot dimensions; or
  - c. Minor alterations regarding homesite location and/or open space usage. (Ord. 2017-02 § 7, 2017; Ord. 2011-21 § 5, 2011)

**2.16.130 Quasi-judicial review by city council – In general.**

A. Purpose. The purpose of this section is to describe those general procedures that apply whenever state law or the BIMC requires a quasi-judicial decision by city council on a land use matter.

B. Applicability. This section applies each time a provision of the BIMC authorizes a final decision by the city council for a land use application including without limitation site-specific rezoning or a long subdivision.

C. Procedures. A land use application requiring a city council decision shall be reviewed as follows:

1. Environmental Review. For a land use application subject to Chapter 43.21C RCW and Chapter 16.04 BIMC, the SEPA threshold determination shall be issued and comment period shall be completed prior to a public hearing.
2. Hearing Examiner Recommendation. A land use application requiring a city council decision also provides opportunity for the hearing examiner to make a recommendation to the city council prior to the final decision. The hearing examiner will consider the land use application at a public hearing following the procedures of BIMC 2.16.100.C and applicable provisions of BIMC 2.16.020.
3. Single Report. The hearing examiner shall prepare a single, consolidated report setting forth all the recommendations and decisions made on the application as of the date of the report. The report shall state any mitigation required or proposed under the development regulations or as required by SEPA, Chapter 43.21C RCW, and shall include the SEPA. The report and the documents on which a decision was made shall be presented to the city council.

D. City Council Public Meeting. The city council shall hold a public meeting to consider the land use application prior to issuing a decision. Notice of city council consideration of recommendations from the hearing examiner shall be posted in the official posting places of the city.

E. Elements to Be Considered. The city council shall consider the following in deciding upon an application:

1. The contents of the application; and
2. The minutes of any public hearing on the application and any written material submitted as part of the public hearing process; and
3. The recommendation of the applicable department director; and
4. The recommendation of the hearing examiner; and
5. Any testimony presented at the public hearing; and
6. The decision criteria listed in each section of this code under which the application was made.

F. City Council Action. The city council shall take one of the following actions:

1. Adopt an ordinance or resolution, including findings of fact and conclusions of law, approving the proposal; or
2. Adopt an ordinance or resolution, including findings of fact and conclusions of law, approving the proposal with conditions; or
3. Adopt an ordinance or resolution, including findings of fact and conclusions of law, denying the proposal; or
4. Refer the proposal back to the hearing examiner for further proceedings. (Ord. 2011-02 § 2 (Exh. A), 2011)



**2.16.160 Final long subdivisions.**

A. Purpose. This section provides a procedure for city council approval of final long subdivision applications in compliance with the provisions of RCW Title 58, BIMC Title 17, and other applicable provisions of Washington State law.

B. Applicability. This procedure applies to all applications for final long subdivisions, as the term “long subdivisions” is defined in Chapter 17.28 BIMC, and that definition shall prevail over the following summary. Long subdivisions generally involve the division or redivision of land into more than four lots, where some of the lots are smaller than five acres in size.

C. Procedure.

1. Final long subdivisions shall be approved through the quasi-judicial city council approval procedures described in BIMC 2.16.130 except as described below.

2. The provisions of this section shall supplement those of BIMC 2.16.020 and 2.16.030 when the application is for a final long subdivision. In the event of a conflict between the provisions of BIMC 2.16.020 or 2.16.030 and this section, the provisions of this section shall govern.

D. Vesting. A proposed final long subdivision shall be reviewed under all applicable city ordinances and the State Environmental Policy Act in effect at the time of complete application, unless a different result is required by provisions of Chapter 58.17 RCW. A later request for additional information shall not change the date on which the application is considered vested.

E. Timeline for Review of Final Plat. A final long subdivision shall be approved, disapproved or returned to the applicant within 30 working days from the date of a complete application, unless the applicant provides written consent to an extension of such time period.

F. Submittal of Final Plat. A final plat shall be submitted containing all of the submittal requirements listed in the administrative manual.

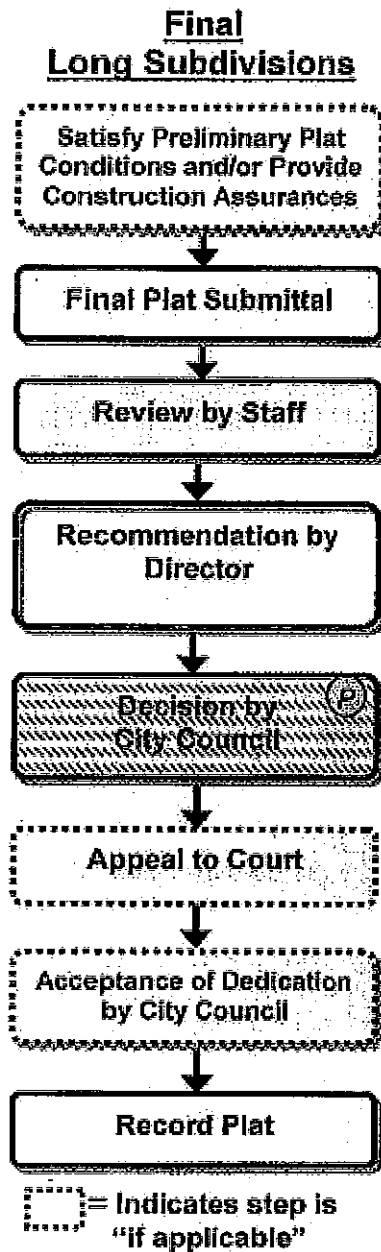
G. Review of Final Long Subdivision.

1. The city engineer shall review the final subdivision to determine compliance with the requirements of RCW 58.17.160 and forward recommendations for approval or disapproval to the department.

2. The health district, when appropriate, shall review the final subdivision and forward recommendations for approval or disapproval to the department.

3. The director shall forward his or her recommendation for approval or disapproval to the city council, evaluating compliance with any conditions imposed on the preliminary subdivision and other applicable ordinances.

4. In accordance with RCW 58.17.140, final subdivisions shall be approved, disapproved or returned to the applicant within 30 days from the date of filing of a complete application, unless the applicant consents to an extension of the time period. The director and the city engineer shall have authority to return the application for correction or modification with a request for additional information before city council review, and city council shall have authority to return the application for correction or modification with a request for additional information during its review.



**H. City Council Review and Approval of Final Long Subdivision.**

1. The city council shall approve the final long subdivision if it determines:
  - a. That the conditions imposed through the preliminary subdivision have been met; and
  - b. Bonds or other assurance devices, if any, by their essential terms assure completion of all plat improvements; and
  - c. The requirements of state law, the BIMC, the comprehensive plan, and any other applicable ordinances in effect at the time of preliminary plat approval have been satisfied by the subdivider.
2. The city council can approve the final subdivision with minor modifications recommended by the department and the applicant.

3. If the city council approves the final subdivision, the council chair shall sign the face of the final plat to indicate the council's approval; provided, that upon approval of the final plat the city council may direct and authorize the mayor or another council member to sign the face of the final plat to indicate the council's approval.
4. If an applicant voluntarily sets aside more than 25 percent of the site as designated open space, that fact will be noted on the plat.
5. The original mylar of the final subdivision shall be recorded with the county auditor, and one copy with the auditor's recording number shall be filed with the city.

**I. Modification of Preliminary Long Subdivision Before Filing.**

1. An alteration of an approved preliminary long subdivision that does not change the general plat layout, increase off-site impacts of the subdivision, or modify a provision or condition that was a matter of dispute by any party during the preliminary approval process may be made by the director after notice and opportunity to comment are provided to the applicant and all parties of record. The director shall review and approve or disapprove the request for modification following the process set forth in BIMC 2.16.030.
2. Other modifications to an approved long subdivision must be reviewed in accordance with the process for a new subdivision application and shall be approved consistent with the procedures and requirements of this chapter.
3. The following exemptions shall not constitute changes in the preliminary long subdivision approval and do not require further review as provided for under subsection I.1 or I.2 of this section:
  - a. Engineering detail, unless the proposed detail modifies or eliminates features specifically required as an element of the preliminary long subdivision approval. For purposes of this section, "engineering detail" shall mean minor changes to proposed road or lot grading or drainage design that do not significantly affect the location of those facilities, and minor changes to locations of utility pipes, swales, or wires that do not significantly affect their visibility from adjacent roads or properties, and similar minor changes;
  - b. Minor changes in lot lines or lot dimensions; or
  - c. Minor alterations regarding homesite location and/or open space usage.

**J. Requirement for Filing Plat.** Approved long subdivisions shall be subject to the same requirements for filing plats that apply to short subdivisions as described in BIMC 2.16.070.K.

**K. Amendment of Disapproved Application.** When an application for approval of a final long subdivision is disapproved, an applicant shall have 180 working days following the decision in which to file an amended application to remedy the matters that led to the disapproval. Upon receipt of such an amended application, the application shall be reviewed as set forth in this section. If an applicant files no such amended application within the period allowed, the application shall be considered denied.

**L. Assurance of Improvements.** Approved final long subdivisions shall be subject to the same provisions regarding assurance of improvements that are applicable to short subdivisions as described in BIMC 2.16.070.N.

**M. Amendment to Approved Long Subdivision.**

1. Proposals for alteration of a subdivision shall follow the provisions of RCW 58.17.215. Alterations of a subdivision are also subject to the provisions of RCW 64.04.175, except as described in subsection S.2 of this section.
2. The contents and procedures for minor alterations of open space and/or open space usage in an approved final long subdivision shall be administratively reviewed consistent with the procedures and requirements of BIMC 2.16.030.

N. Expiration of Final Long Subdivision. Any lot in a final long subdivision plat filed for record shall be a valid land use for a period of five years from the date of filing the final subdivision, notwithstanding any change in zoning laws. Any lot in a final plat shall be governed by the terms of approval of the final long subdivision at the time of vested application, unless a change in conditions creates a serious threat to the public health or safety. (Ord. 2011-21 § 6, 2011; Ord. 2011-02 § 2 (Exh. A), 2011)







# CITY OF REDMOND

## DESIGN STANDARDS CHECKLIST

**Purpose:** The intent of the Design Standards Checklist is to demonstrate compliance to the City's design standards, to identify critical project design issues, and note how these issues have been addressed. This is a working document to be used by both the Applicant and Staff throughout the design process.

### Redmond Design Standards

The City of Redmond's design standards are composed of two elements: Intent Statements which are then followed by Design Criteria.

Intent statements describe the City's objectives for each design standard and are the requirements that each project must meet. All applications that require design review shall comply with the intent statements for each applicable design standard.

The Design Criteria that follow the intent statements are ways to achieve the design intent. Each criterion is meant to indicate the preferred condition, and the criteria together provide a common theme that illustrates the intent statement.

If "**shall**" is used in the design criterion, all applications **shall** comply with that specific design criterion if it applies to the application unless the applicant demonstrates that an alternate design solution provides an equal or greater level of achieving the intent of the section and the purpose of the design category. The use of "shall" appears in bold as "**shall**".

**Instructions:** The Design Standards Checklist contains three columns for the reviewer (staff and the applicant) to complete. Planning Staff and the Applicant should begin working on completing the Checklist at the earliest opportunity within the design process. The checklist will become part of the project record and be forwarded to the Redmond Design Review Board prior to their final approval of the project. (See example below)

### To be completed by the Applicant – Applicant Evaluation:

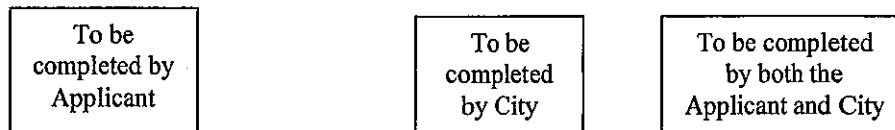
1. Place an "X" in the box for each applicable intent statement *where the proposed design meets the intent statement*.
2. Please mark the box "NA" if the statement is not applicable.
3. Leave the box **blank** if the intent statement is applicable, yet the project does not comply.

### To be completed by Planning Staff – Staff Evaluation:

1. Place an "X" in the box when the project achieves the intent statement.
2. Please mark the box "NA" if the statement is not applicable.
3. Leave the box **blank** if the intent statement is applicable, yet the project does not comply.

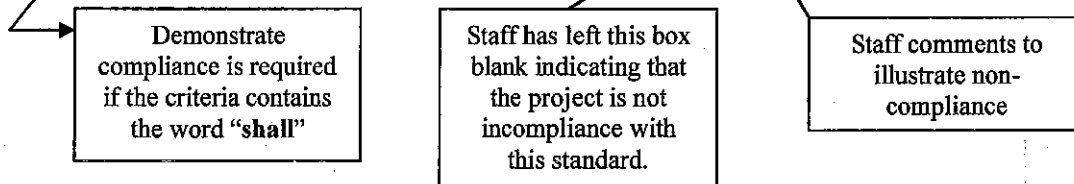
### To be completed by Applicant and Staff – Comments:

Comments are used to illustrate compliance to the intent statements or to highlight important design aspects of the project as necessary. Each comment box does not need to be completed. Statements by the applicant are also necessary to demonstrate compliance to any of the applicable "**shall**" statements in the Design Criteria portion of the checklist. Comments may also be used by staff to illustrate areas of non-compliance.



**Example**

| DESIGN STANDARDS – INTENT<br>See RZC Article III for the complete text of the Intent Statements and Design Criteria. The Design Criteria are suggested methods to achieve the intent. | Significant Design Issue Achieved or Not Applicable |                       | COMMENTS                                                                                                                                         |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|-----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                       | Applicant Evaluation                                | City Staff Evaluation |                                                                                                                                                  |
| (a) To use building design to create a transition between development and natural features.                                                                                           | X                                                   | X                     | Applicant: The buildings will be set back away from the wetland and buffers.<br><br>Staff: Buildings will be setback 30 feet from wetland buffer |
| (b) To promote a gradual transition between different uses.                                                                                                                           | NA                                                  | NA                    |                                                                                                                                                  |
| <b>Design Criteria</b>                                                                                                                                                                |                                                     |                       |                                                                                                                                                  |
| (a) Intersections <b>shall</b> be designed to facilitate both pedestrian and vehicular movement.                                                                                      | X                                                   |                       | Applicant: Street frontage will include sidewalks along the existing street.<br><br>Staff: Project must also include bike paths.                 |



**Note:**

1. The applicant has the burden of proof and persuasion to demonstrate that the application complies with the intent statements.
2. The applicant shall demonstrate to the satisfaction of the decision maker that the application complies with the applicable intent statements and the design criteria that use the word "shall."
3. If "should" is used in the design criterion, there is a general expectation that utilizing the criterion will assist in achieving the intent statement; however, there is a recognition that other solutions may be proposed that are equally effective in meeting the intent of the section.
4. Where the Design Review Board concludes that the application does not comply with the intent statements or the design criteria that use the word "shall," the Design Review Board may condition approval based on compliance with some or all of the design criteria, or the decision maker may deny the application.
5. Conflicts with Site Requirements. These design standards supplement the development standards and site requirements of each zoning district. The design standards shall be implemented in a manner that allows developments of the type and scale set by the Comprehensive Plan and development regulations while achieving the design intents. Where the provisions of this section conflict with the provisions of the zoning district, the provisions of the zoning district shall control.
6. Administrative Design Flexibility. See RZC 21.76.070(C) Review Procedures, for Administrative Design Flexibility. If the Design Review Board makes a recommendation to vary the site requirements, it shall be based on the following:
  - (i) The application of certain provisions of the Zoning Code would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the underlying zone and of the design standards.
  - (ii) Permitting a minor variation will not be materially detrimental to the public welfare or injurious to the property or improvements in the area.
  - (iii) Permitting a minor variation will not be contrary to the objectives of the design standards.
  - (iv) The minor variation protects the integrity of a historic landmark or the historic design subarea.
  - (v) Consistency with the Shoreline Master Program.

PROJECT NAME: \_\_\_\_\_

## DESIGN STANDARDS – INTENT

See RZC Article III for the complete text of the Intent Statements and Design Criteria. The Design Criteria are suggested methods to achieve the intent.

Significant Design Issue  
Achieved or Not  
Applicable

Applicant  
Evaluation

City Staff  
Evaluation

COMMENTS

### 21.60.020 Context, Circulation, And Connections

#### 2160.020(B) Design Contexts

##### (1) Intent

(a) To provide contextual references that can be used to encourage creative and distinctive designs for new development and redevelopment projects while avoiding sameness in design

(b) To create contexts that capture the community visions and values as reflected in the Comprehensive Plan, Redmond Zoning Code, and Design Review Handbook. Contextual elements could include the following:

(i) Context Defined by Natural Forms and Patterns. These are natural landforms found in the Sammamish River Valley and other parts of the City. Examples include river contour forms; river bench terraces; multiple silhouette ridgelines; and panoramic vistas with associated mountain, lake, river, and ravine forms.

(ii) Historic and Cultural Context. Historic landmarks and the section of Leary Way framed by older historic structures have been identified as contributing to the historic character of the City. In addition, Redmond's native peoples and Redmond's heritage as a logging and farming community, and as a historic urban crossroads, define the more general historic and cultural context of the City.

(iii) Architectural Context. This includes buildings with articulated facades, pedestrian-friendly scale and detailing, historic building features or character, and interesting rooflines.

##### (2) Design Criteria

(a) Site development should not substantially alter natural landforms.

(b) Developments that have a historic or cultural context should incorporate or enhance historic or cultural references with the use of symbolic design details, interpretive signs or informational plaques.

(c) Developments within an area that is consistent with the goals and vision within the Comprehensive Plan, and have a distinctive common architectural context in terms of building height, roof type, base, cap, windows, entries, and other similar features should carry it forward with consistent architectural types, materials and detailing.



**DESIGN STANDARDS – INTENT**

See RZC Article III for the complete text of the Intent Statements and Design Criteria. The Design Criteria are suggested methods to achieve the intent.

Significant Design Issue  
Achieved or Not  
Applicable

Applicant  
Evaluation

City Staff  
Evaluation

**COMMENTS****21.60.020(C) Natural Features – Ridgelines and Hill Tops****(1) Intent**

- (a) To reduce natural hazards and impacts on the natural environment, and to minimize the visual impact of development on hillsides.
- (b) To respect natural landforms and to use them to provide definition between various parts of the community and to provide project identity.

**(2) Design Criteria**

- (a) Development on hillsides should minimize visual and environmental impact by incorporating the following techniques as appropriate:
- (i) Except in Urban Centers, locate structures to ensure the tops of structures are located below prominent ridgelines or the vegetation along ridgelines.
  - (ii) Retain existing wind-resilient vegetation along ridgelines.

**21.60.020(D) Relationship to Adjacent Properties****(1) Intent**

- (a) To promote the functional and visual compatibility between adjacent neighborhoods and different land uses;
- (b) To encourage building designs which use natural, historical, traditional, or cultural context references to create elements which link the development to the neighborhood and community;
- (c) To use building design to create a transition between development and natural features;
- (d) To promote a gradual transition between different uses.

**(2) Design Criteria**

- (a) Coordinate proposed development with surrounding site planning and development efforts on adjacent properties.
- (b) The site's zoning and other relevant Comprehensive Plan policies **shall** be considered as indicators of the desired direction for the area and project.
- (c) Properly link proposed development to existing and planned walkway, trail, street drainage and utility systems, and assure efficient continuation of such systems.
- (d) Consider the impact of building mass, color, lighting, and design upon adjacent open spaces, continuity of identified public view corridors, public open spaces or parks, and recreation areas.



**DESIGN STANDARDS – INTENT**

See RZC Article III for the complete text of the Intent Statements and Design Criteria. The Design Criteria are suggested methods to achieve the intent.

Significant Design Issue  
Achieved or Not  
Applicable

Applicant  
Evaluation

City Staff  
Evaluation

**COMMENTS**

(e) Designs **shall** minimize impacts to historic structures or sites, and mitigate impacts through such means as:

- (i) Developments adjacent to historic landmarks should ensure that significant features of historic landmarks are not obscured from public view. In cases where this is not fully possible, developments **shall** mitigate with photo documentation showing the significant features that will be obscured and the relationship of the structure to that adjacent site prior to construction of the obscuring structure.
- (ii) Use of color on developments adjacent to historic landmark structures that allow the existing historic landmarks to remain prominent within the immediate area.
- (i) Use of materials or design that emulate existing historic landmarks but which can be differentiated in age from that of the landmark.
- (iv) Views from the new development may include views of significant features of the historic landmark.

**21.60.020(E) Relationship to Street Front.****(1) Intent**

(a) To create a relationship between a development and the street front that provides safety and amenities for a development's residents, employees, and customers, and for surrounding properties.

(b) To relate residential development to the street front that helps define neighborhood character. For example, residential areas with porches and balconies can create a sense of community and improve safety along public sidewalks and streets.

(c) To relate commercial development to the street front to ensure active street environments that encourage pedestrian activity, stimulate business, and encourage walking as a transportation mode. For example, commercial buildings with windows and entries oriented to the street can enhance pedestrian activity.

(d) To create an attractive street edge and unified streetscape, and provide pedestrian access where it does not conflict with private property security issues.

**(2) Design Criteria.**

(a) Building setbacks from public streets should be minimized in commercial developments.



**DESIGN STANDARDS – INTENT**

See RZC Article III for the complete text of the Intent Statements and Design Criteria. The Design Criteria are suggested methods to achieve the intent.

Significant Design Issue  
Achieved or Not  
Applicable

Applicant  
Evaluation

City Staff  
Evaluation

**COMMENTS**

(b) Buildings should be arranged on site to minimize distances between buildings to create a walkable environment.

(c) All development **shall** include site-planning measures to create an attractive street edge and accommodate pedestrian access.

(i) Define the street edge with buildings, landscaping or other features.

(ii) Provide for a sidewalk at least five feet wide if there is not space in the public right-of-way (ROW).

(iii) Provide building entries that are accessed from the sidewalk. Preferably these access ways should be separated from the parking and drive aisles. If access traverses the parking lot, then it should be raised, clearly marked by a change in surface treatment, or both.

(iv) For businesses which require outdoor display oriented to the street, such as nurseries and auto sales, the street edge **shall** be defined.

(d) Create a streetscape to allow for the safe movement of pedestrians. Wherever possible, relegate parking and drive-through passageways to the side and rear of all buildings.

(e) Provide site development features that are visible and pedestrian accessible from the street. These features could include plazas, open space areas, employee lunch and recreational areas, architectural focal points, and accent lighting.

(f) Where nonresidential ground floor uses such as structured parking are permitted, windows, rather than blank walls, **shall** be provided on the street level in order to encourage a visual link between the business and passing pedestrians. A minimum of 60 percent of the length of the storefront area facing streets (between two feet and seven feet above the sidewalk) **shall** be in non-reflective, transparent glazing.

**21.60.020(F) Street Design.****(1) Intent.**

(a) To balance the needs of vehicular, transit, pedestrian and bicycle uses, and to create attractive streetscapes, while maintaining safety as the top priority;

(b) To create attractive connections that provide safe linkages to public facilities, shorelines, and other



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public open spaces, and that complement the aesthetics of adjacent natural features and buildings.

### (2) Design Criteria.

- (a) Design streets to be consistent with terrain, intersection configurations, and connections to streets or adjacent sites.
- (b) Minimize steep gradients in circulation patterns to the extent allowed by site topography.
- (c) Promote safety through adequate sight distance, limited driveways on busy streets, and avoidance of difficult turning patterns.
- (d) Allow safe, efficient access for emergency vehicles
- (e) Discourage through-traffic and long curvilinear cul-de-sacs, while assuring adequate circulation between neighborhoods.
- (f) Accommodate transit on arterial streets and, where appropriate, within internal circulation systems. Width, geometry, slopes, and construction materials should be suitable for transit service. Transit stops should be included at appropriate intervals.
- (g) Where possible, streets and internal circulation systems should frame vistas of retail areas, public buildings, parks, open spaces, and natural features, especially Lake Sammamish, the Sammamish River, Bear and Evans Creeks, and forested slopes.
- (h) Intersections **shall** be designed to facilitate both pedestrian and vehicular movement.
- (i) Provide shade trees along all streets. Street trees spacing and tree species **shall** follow the City's street tree plan, and plantings techniques **shall** be selected to create a unified image for the street, provide an effective canopy, avoid sidewalk damage, and minimize water consumption. Drip irrigation systems and native drought tolerant landscaping are encouraged. Trees should vary along different streets to prevent excessive planting of any one species.
- (j) Within the shoreline jurisdiction, streets and bridges **shall** be designed to enhance shoreline visual, physical and cultural access by incorporating special design features, such as viewpoints, gateway design elements, street furniture,



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| decorative lighting, landscaping, public art or street graphics.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                      |                                             |
| <b>21.60.020(G) Transit</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                      |                                             |
| <b>(1) Intent.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                      |                                             |
| (a) To encourage transit use through building orientation and site design;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                      |                                             |
| (b) To provide safe and continuous pedestrian access to transit facilities;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                      |                                             |
| (c) To consider minimizing the distance between buildings and transit stops;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                      |                                             |
| (d) To encourage weather protection for those waiting for transit.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                      |                                             |
| <b>(2) Design Criteria.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                      |                                             |
| (a) Provide transit stops and improvements where the intensity of use and expected demand supports transit use. Transit stops <b>shall</b> include space for shelters meeting King County standards and ten feet between the curb to the back of sidewalk, unless other site requirements require a larger sidewalk. The area devoted to shelters and wider sidewalks may be included in setbacks and may be counted toward required landscaping.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                      |                                             |
| (b) Along high traffic volume streets, a number of transit stop alternatives, such as building "passenger bulbs" or transit stops where sidewalks extend to the traffic sidewalk lane, should be installed. Bulbs allow transit to stop easily, and people are prevented from parking at the stop.<br><br>(c) Provide direct access to transit stops from buildings via defined, safe pathway systems.<br><br>(d) Locate parking lots to the side and rear of buildings. Avoid making pedestrians walk across expansive parking lots to reach transit stops.<br><br>(e) Consider a covered and lighted entrance outside the structure or other effective options where residents or patrons may wait for transit out of the weather.<br><br>(f) Focus the location of buildings onsite to concentrate present and future transit use and to encourage residential use of transit.<br><br>(g) Consider orienting buildings toward the street and locate them as close as practicable toward existing or proposed transit stops. Minimize walking distances between buildings and transit stops. Building entries should be within 1,000 feet of the transit stop. |                                                                                      |                                             |

| DESIGN STANDARDS – INTENT                                                                                                                                                                                                                                                                                                                                                                                                                                                   |  | Significant Design Issue<br>Achieved or Not<br>Applicable |                          | COMMENTS |
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| (h) If the development will have a retail use, locate the storefront close to the transit stop.<br><br>(i) Security walls and fences should include gates that employees can open from both sides to provide access to and from transit stops.                                                                                                                                                                                                                              |  |                                                           |                          |          |
| <b>21.60.020(H) Pedestrian and Bicycle Circulation.</b>                                                                                                                                                                                                                                                                                                                                                                                                                     |  |                                                           |                          |          |
| <b>(1) Intent.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                          |  |                                                           |                          |          |
| (a) To improve the pedestrian and bicycling environment by making it easier, safer, and more comfortable to walk or ride among residences, to businesses, to the street sidewalk, to transit stops, through parking lots, to adjacent properties, and connections throughout the City;                                                                                                                                                                                      |  |                                                           |                          |          |
| (b) To enhance access to on- and off-site open space areas, shoreline access areas, and pedestrian/bicycle paths.                                                                                                                                                                                                                                                                                                                                                           |  |                                                           |                          |          |
| <b>(2) Design Criteria.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                 |  |                                                           |                          |          |
| (a) Provide pedestrian walkways that minimize walking distances from principal building entrances to all businesses, uses, and buildings on the development site; existing or planned sidewalks; and the street right-of-way.                                                                                                                                                                                                                                               |  |                                                           |                          |          |
| (b) Provide pedestrian walkways that connect to adjacent properties, except when adjacent properties are multi-family developments of fewer than three dwelling units, or when the pathway could connect a multi-family development to a manufacturing or industrial use, or a manufacturing or industrial use to another manufacturing or industrial use. Barriers that limit future pedestrian access are prohibited. Gates that limit access to employees are permitted. |  |                                                           |                          |          |
| <b>21.60.020(I) Vehicle Entrances and Driveways</b>                                                                                                                                                                                                                                                                                                                                                                                                                         |  |                                                           |                          |          |
| <b>(1) Intent.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                          |  |                                                           |                          |          |
| (a) To provide safe, convenient vehicular access to sites without diminishing pedestrian access and visual qualities                                                                                                                                                                                                                                                                                                                                                        |  |                                                           |                          |          |
| <b>(2) Design Criteria.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                 |  |                                                           |                          |          |
| (a) Minimize parking lot entrances, driveways, and other vehicle access routes onto private property from a public right-of-way.                                                                                                                                                                                                                                                                                                                                            |  |                                                           |                          |          |
| (b) Driveway lanes crossing a public sidewalk shall be no wider than the minimum required per entry or exit lane. The City may impose additional restrictions to parking lot and vehicle access point locations to reduce impacts to public safety, pedestrian movement, on-street vehicle circulation, and visual qualities.                                                                                                                                               |  |                                                           |                          |          |

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| <p>(c) Joint driveways between adjacent developments should be provided when the proposal meets the following:</p> <ul style="list-style-type: none"> <li>(i) Joint access is legally available;</li> <li>(ii) The proposal promotes safety for pedestrians and operators of automobiles minimizing the interaction of vehicles and pedestrians; and</li> <li>(iii) The proposal promotes proper dispersal of traffic mode and behavior to support traffic management objectives.</li> </ul> <p>(d) Minimize conflicts between entries and vehicle parking and maneuvering areas.</p> |  |
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### 21.60.020(J) Parking Lot and Structured Parking Location and Design

|                                                                                                                                                                                                                                                                                                                                    |  |  |
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| <b>(1) Intent.</b>                                                                                                                                                                                                                                                                                                                 |  |  |
| (a) To encourage parking design that provides for distribution of parking in a balanced manner across the project site plan, avoiding where possible a concentration of all of the parking in front of the building;                                                                                                               |  |  |
| (b) To provide for clear internal vehicle circulation patterns and consideration of pedestrian walkways in parking lots;                                                                                                                                                                                                           |  |  |
| (c) To set standards for paving, lighting, and other design elements;                                                                                                                                                                                                                                                              |  |  |
| (d) To provide for joint entrances and exits;                                                                                                                                                                                                                                                                                      |  |  |
| (e) To reduce the negative impacts of parking and circulation facilities on highly visible public open spaces, such as shorelines and other natural open spaces.                                                                                                                                                                   |  |  |
| <b>(2) Design Criteria.</b>                                                                                                                                                                                                                                                                                                        |  |  |
| (a) Locate parking where possible behind buildings and away from areas of public visibility and shorelines.                                                                                                                                                                                                                        |  |  |
| (b) Integrate parking area design with landscape design in a way that reduces the visual impact of impervious surfaces and provides adequate screening of parking from public view, while allowing sufficient visibility to enhance safety. Parking areas should provide for landscaping next to buildings and alongside walkways. |  |  |
| (c) Reduce pavement areas for vehicular use by avoiding the use of parking aisles with parking located only along one side.                                                                                                                                                                                                        |  |  |
| (d) Convenient, clearly identified pedestrian access <b>shall</b> be provided from the interior of parking areas and street front walkways. See Figure 60.10 below.                                                                                                                                                                |  |  |
| (e) Site layout for individual parcels should be designed to provide reciprocal vehicular and pedestrian access to and from adjoining lots in order to achieve a unified circulation plan which minimizes                                                                                                                          |  |  |



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curb cuts and provides pedestrian connections between uses.

**(f) Parking – Structured.**

(i) Structured parking should be designed to include articulated planes. The scale of parking structures **shall** be modulated by interruptions of the facades, setbacks, and lowering the first level below the existing grade (where the water table allows) to reduce total height.

(ii) Facades of parking structures **shall** include a landscape treatment in addition to architectural screening from the SR 520 corridor.

(iii) Parking structures **shall** have landscaping around the perimeter which will correspond to that used by the adjacent land uses and activities. Landscaping **shall** include, but not be limited to, a combination of shade trees, evergreen trees, shrubs, groundcovers, deciduous native and ornamental shrubs, and vines to further screen the structures.

(iv) The top floor of parking structures should include landscape screening in areas, such as along the cornice and on the deck, either by trees or a screening trellis treatment if visible from residential zones or SR520.

(v) Provide walkways in parking floors which have curbs or other barriers to protect from vehicular intrusion.

(vi) For security, pedestrian routes **shall** be visible and avoid enclosed, hidden areas. Emergency call boxes should be available.

(vii) Parking structures along the ground floor **shall** be enclosed with retail or office uses on the exterior, or where this enclosure is not feasible, the visual impact should be softened with landscaping or screening.

**21.60.030 Community Space****21.60.030(B) Pedestrian Plazas.****(1) Intent.**

(a) To provide plazas that attract shoppers to commercial areas. In heavily used pedestrian areas, or in areas where increased pedestrian activity is desired, the area **shall** be designed as a pedestrian plaza.

| <b>DESIGN STANDARDS – INTENT</b><br>See RZC Article III for the complete text of the Intent Statements and Design Criteria. The Design Criteria are suggested methods to achieve the intent.                                                                                                                                                                                                                                                                                                                                                                         | Significant Design Issue<br>Achieved or Not<br>Applicable<br>Applicant<br>Evaluation | City Staff<br>Evaluation<br><b>COMMENTS</b> |
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| (b) Where appropriate in the business park and industrial areas as well as residential projects within the moderate- and high-density residential zones, plazas <b>shall</b> be provided to enhance the employees' and public's use of the space for passive activities, such as resting, reading, and eating lunch.                                                                                                                                                                                                                                                 |                                                                                      |                                             |
| <b>(2) Design Criteria.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                      |                                             |
| (a) A pedestrian plaza should provide pedestrian-oriented amenities and landscaping to enhance the public's use of the space for passive activities.<br><br>(i) Use trees and other landscaping to provide some shaded areas and a visual amenity.                                                                                                                                                                                                                                                                                                                   |                                                                                      |                                             |
| (ii) To qualify as a "pedestrian plaza" an area must have:<br><br>(A.) Pedestrian access (including handicapped access) into the plaza from the public right-of-way;<br><br>(B.) Paved walking surfaces, such as concrete, brick pavers, or other type of paver;<br><br>(C.) Security lighting on site or building mounted.                                                                                                                                                                                                                                          |                                                                                      |                                             |
| (iii) A pedestrian plaza is encouraged to have:<br><br>(A.) Site furniture. The design may use planters, rails, benches, retaining walls and other raised surfaces for seating. Cluster some seating for informal gathering and outside eating areas. Wherever possible, locate a majority of the seating for sun exposure, where views can be taken advantage of, and near to activity centers of a site such as at building entrances and at the intersection of walkways.<br><br>(B.) Artwork, or amenities, such as fountains, kiosks, etc.<br><br>(C.) Fountain |                                                                                      |                                             |
| (iv) A Pedestrian Plaza <b>shall</b> not have:<br><br>(A.) Adjacent unscreened parking lots.<br><br>(B.) Adjacent unscreened chain link fences.<br><br>(C.) Adjacent "blank walls" without "blank wall treatment," such as landscaping, windows or murals.                                                                                                                                                                                                                                                                                                           |                                                                                      |                                             |



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**COMMENTS****21.60.030(C) Pedestrian Facilities and Amenities.****(1) Intent.**

- (a) To enhance the visual character of buildings and to improve the pedestrian environment.
- (b) To provide a network of pedestrian connections, the level of facilities provided to support pedestrian activities can greatly encourage the use of the pedestrian network. These criteria outline the sufficient levels of pedestrian facilities and amenities to achieve safe, comfortable pedestrian circulation.
- (c) To enhance the visual character of buildings and to improve the pedestrian environment by using the architectural elements of a building and landscaping to highlight and define the entrance.
- (d) To encourage and facilitate the use of alternative modes of transportation.

**(2) Design Criteria.**

- (a) Except on exclusively multi-family, manufacturing, or industrial use buildings, portions of buildings that are adjacent to a pedestrian walkway or sidewalk **shall** provide overhead weather protection as follows:
  - (i) The protection should be at least 48 inches wide along at least 80 percent of the building's front face. The weather protection may be in the form of awnings, marquees, canopies, or building overhangs.
  - (ii) Canopies or awnings **shall** have a minimum clearance of eight feet above sidewalks and should not be more than 15 feet above the sidewalk at its highest point.
  - (iii) The color, material, and configuration of the pedestrian coverings **shall** carry forward the architectural theme of the building. All lettering and graphics on pedestrian coverings must conform to Chapter 21.44 RZC, Signs.
- (b) Street-facing, ground-floor facades of mixed-use and retail structures **shall** include one or more of the following characteristics:
  - (i) Transparent window area or window displays along at least 60 percent of the length of the ground floor facade.
  - (ii) Sculptural, mosaic, or bas-relief artwork over 50 percent of the length of the ground floor facade.
  - (iii) Other similar building design or landscaping

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| feature approved by the City.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |  |                                                           |                          |                 |
| (c) Enhance the primary public entries of all buildings by two or more of the following means:<br>(i) Providing weather protection, such as an awning, canopy, marquee, or other building element, to create a covered pedestrian open space.<br>(ii) Providing at least 100 square feet of landscaping at or near the entry.<br>(iii) Providing pedestrian facilities, such as benches, kiosks, special paving, bicycle racks, etc.<br>(iv) Providing a trellis, canopy, porch, or other building element that incorporates landscaping.<br>(v) Providing site designed pedestrian-scaled lighting.<br>(vi) Providing artwork or site designed pedestrian-scaled signs. |  |                                                           |                          |                 |
| (d) Site design should avoid creating potential entrapment areas.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |  |                                                           |                          |                 |
| (e) Buildings should be arranged on the site to overlook pedestrian routes and parking areas to allow for informal surveillance of these areas.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |  |                                                           |                          |                 |
| (f) Housing units, offices or other uses that allow for informal surveillance should surround courtyards and open spaces.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |  |                                                           |                          |                 |
| (g) Arrange a mixture of uses to minimize isolated areas that may be unsafe.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |  |                                                           |                          |                 |
| <b>21.60.040 Design Concepts.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |  |                                                           |                          |                 |
| <b>(B) Buildings.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |  |                                                           |                          |                 |
| <b>21.60.040(B)(1) Architectural Concepts.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |  |                                                           |                          |                 |
| <b>(a) Intent.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |  |                                                           |                          |                 |
| (i) To ensure building design is based on a strong, unified, consistent architectural concept;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |  |                                                           |                          |                 |
| (ii) To ensure that buildings portray a sense of high architectural integrity;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |  |                                                           |                          |                 |
| (iii) To ensure that new buildings are appropriately designed for the site, address human scale, and become a positive element in the architectural character of the neighborhood;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |  |                                                           |                          |                 |
| (iv) To ensure that new buildings use high-quality building materials and architectural finishes in a manner that exemplifies craftsman quality and durability;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |  |                                                           |                          |                 |
| (v) Consider solar orientation and climate in siting buildings to promote energy conservation.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |  |                                                           |                          |                 |
| <b>(b) Design Criteria.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |  |                                                           |                          |                 |
| (i) Building design should support the vision for the area as defined in the Comprehensive Plan, and development regulations.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |  |                                                           |                          |                 |
| (ii) The architectural composition, scale, elements, and details of a building should relate to the site's                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |  |                                                           |                          |                 |



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natural features and the character of the surrounding area. A strong architectural concept will indicate this organizational scheme, and convey the project's architectural character, or the style of the development. The relationship required by this section between a building and the site's natural features and surrounding area is shown when the following concepts are incorporated into the design:

(A.) Building Orientation. Buildings may be oriented around a courtyard, be terraced down a hillside, or respond in design to a prominent feature, such as a corner location, a street or the river. Other design alternatives include: Windows, breezeways and common areas should be oriented toward shorelines, scenic views, or natural or recreational amenities on the site. Buildings and site design should provide a readily identifiable building entry. Incorporate substantial areas of windows and outdoor seating areas and walkways oriented toward the shoreline. Outdoor use areas should include landscaping, lighting and street furniture. Design buildings so they do not turn their backs to the street or to shoreline public access areas.

(B.) Architectural Composition. The composition of a building's larger masses and elements should create a unifying concept. The composition should be clear and appropriate to the building's function and context.

(C.) Orient buildings to retain and offer views to, from, and through the site, where identified as public view corridors or shoreline views, by taking advantage of topography, building location, and style.

(D.) Building Elements. Distinctive roof forms, entrances, an arcade or porch, or the articulation or arrangement of doors and windows or other building features should provide for compositional unity and convey a strong architectural concept. (See also RZC 21.60.040(B)(2), Building Scale.)

(E.) Building Details, Materials, and Colors. Moldings, mullions, rooftop features, materials, and colors should display a distinctive architectural style. (See also RZC 21.60.040(B)(4), Building Details, Materials, and Colors.)

### 21.60.040(B)(2) Building Scale.

#### (a) Intent.

(i) To ensure new development is compatible with the



| DESIGN STANDARDS – INTENT                                                                                                                                                                                                                                                                                                                                                                                                                                            |  | Significant Design Issue<br>Achieved or Not<br>Applicable |                          | COMMENTS |
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| goals for the neighborhood and with the architectural scale (the scale of the building(s) in relation to surrounding development) and character of those surrounding developments that meet the intent of the City's design review criteria;                                                                                                                                                                                                                         |  |                                                           |                          |          |
| (ii) To ensure buildings are based on human scale (the scale of the building and how it relates to the people that use it);                                                                                                                                                                                                                                                                                                                                          |  |                                                           |                          |          |
| (iii) To ensure that large buildings reduce their apparent mass and bulk on the elevations visible from streets or pedestrian routes;                                                                                                                                                                                                                                                                                                                                |  |                                                           |                          |          |
| (iv) To create a skyline that is visually interesting.                                                                                                                                                                                                                                                                                                                                                                                                               |  |                                                           |                          |          |
| <b>(b) Design Criteria.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                          |  |                                                           |                          |          |
| (i) The apparent mass and scale of large buildings should be reduced through the use of modulation and articulation that provides a pedestrian scale and architectural interest. The building envelope <b>shall</b> be designed to maintain shoreline view corridors from the site and nearby properties.                                                                                                                                                            |  |                                                           |                          |          |
| (ii) Integration. Large buildings should integrate features along their facades visible from the public right-of-way and pedestrian routes and entries to reduce the apparent building mass and achieve an architectural scale consistent with other nearby structures.                                                                                                                                                                                              |  |                                                           |                          |          |
| (iii) Facade Modulation. Building facades visible from public streets and public spaces <b>shall</b> be stepped back or projected forward at intervals to provide a minimum of 40 percent facade modulation unless the applicant demonstrates that an alternate design solution provides an equal or greater level of achieving the intent of the section. The minimum depth of modulation <b>shall</b> be one foot and the minimum width <b>shall</b> be five feet. |  |                                                           |                          |          |
| (iv) Articulation. Buildings <b>shall</b> be articulated to reduce the apparent scale of buildings. Architectural details that are used to articulate the structure may include reveals, battens, and other three dimensional details that create shadow lines or intervals and break up the flat surfaces of the facade. The following are ways to achieve building articulation:                                                                                   |  |                                                           |                          |          |
| (A.) Tripartite Articulation. Provide tripartite building articulation (building top, middle, and base) to provide pedestrian scale and architectural interest.                                                                                                                                                                                                                                                                                                      |  |                                                           |                          |          |
| (B.) Window Treatments. Provide articulated window treatments in facades visible from streets and public spaces for architectural interest and human scale with mullions, recesses, as well as applying complementary articulation around doorways and balconies. (See also RZC 21.60.040(B)(4), Building Details, Materials and Colors).                                                                                                                            |  |                                                           |                          |          |



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**COMMENTS**

(C.) Architectural Elements. The mass of long or large-scale buildings can be made more visually interesting by incorporating architectural elements, such as arcades, balconies, bay windows, dormers, or columns. (See also RZC 21.60.040(B)(4), Building Details, Materials and Colors).

(D.) Materials. When there is a change in the building plane, a change in the building materials, colors, or patterns is appropriate. (See also RZC.60.040(B)(4), Building Details, Materials and Colors).

(E.) Landscaping. Provide a trellis, tree or other landscape feature within each interval. (See also RZC 21.32, Landscape Design).

(F.) Upper Story Setback. Setting back upper stories helps to reduce the apparent bulk of a building and promotes human scale.

(G.) Small-Scale Additions. In retail areas, small-scale additions to a structure can reduce the apparent bulk by articulating the overall form. Clustering smaller uses and activities around entrances on street-facing facades also allows for small retail or display spaces that are inviting and add activity to the streetscape.

**21.60.040(B)(3) Rooflines.****(a) Intent.**

To promote detailed roof expression to create a variable roofline throughout and to create a skyline that is visually interesting.

**(b) Design Criteria.**

(i) Building rooflines visible from a public street, open space, or public parking area **shall** incorporate features to create a varied and visually distinctive roof form through features, such as prominent cornice or fascia, stepped roofs, emphasized dormers, chimneys, gables, or an articulated roofline.

(ii) The width of any continuous flat roofline should not extend more than 100 feet without modulation. Modulation should consist of either one or a combination of the following treatments:

(A.) For flat roofs or facades with a horizontal eave, fascia, or parapet with at least an eight-foot return, the minimum vertical dimension of roofline modulation is the greater of two feet or one-tenth multiplied by the wall height (finish grade to top of wall) if the segment is 50 feet or less, or at least four feet if the segment is more than 50 feet in length.



| DESIGN STANDARDS – INTENT<br>See RZC Article III for the complete text of the Intent Statements and Design Criteria. The Design Criteria are suggested methods to achieve the intent. | Significant Design Issue<br>Achieved or Not<br>Applicable |                          | COMMENTS |
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| (B.) A sloped or gabled roofline segment of at least 20 feet in width and no less than three feet vertical in 12 feet horizontal.                                                                                                             |  |  |  |
| (iii) Rooftops <b>shall</b> incorporate features which soften rectilinear forms and mechanical equipment and rooftop penthouses <b>shall</b> be architecturally incorporated into the design of rooflines or into the overall building design |  |  |  |

#### 21.60.040(B)(4) Building Details, Materials and Colors.

|                                                                                                                                                                                                                                                                                                                                                                                                                                                               |  |  |  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|--|
| <b>(a) Intent.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                            |  |  |  |
| To provide visual interest, distinct design qualities, and promote compatibility and improvement within surrounding neighborhoods and community development through architectural detailing and the use of sustainable and high-quality materials.                                                                                                                                                                                                            |  |  |  |
| <b>(b) Design Criteria.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                   |  |  |  |
| (i) Use building materials of high durability and high quality. The use of brick is encouraged on walls or as accents on walls. Large areas of rough-cut wood, wide rough-cut lap siding, or large areas of T-111, plywood, or similar materials are prohibited. Vinyl siding is prohibited on the ground floor of commercial buildings. Wood-textured cementitious fiberboard products should be considered in lieu of wood siding for commercial buildings. |  |  |  |
| (ii) Enhance buildings with appropriate details. The following elements are examples of techniques used on buildings to provide detail.                                                                                                                                                                                                                                                                                                                       |  |  |  |
| (A.) Detailed Treatment of Windows and Doors. Examples include decorative lintels, sills, glazing, door design, molding or framing details around all windows and doors located on facades facing or adjacent to public streets or parks.                                                                                                                                                                                                                     |  |  |  |
| (B.) Ornamentation. Examples include ornamental railings, grillwork, landscape guard, and trellises.                                                                                                                                                                                                                                                                                                                                                          |  |  |  |
| (C.) Distinctive Light Fixtures. Examples include lights with a decorative shade or mounting                                                                                                                                                                                                                                                                                                                                                                  |  |  |  |
| (D.) Varied Building Materials. Examples include patterned masonry, shingle, brick, or stone. Also, individualized patterns or continuous wood details, such as shingles in a geometric pattern, decorative moldings, brackets, wave trim or lattice work, ceramic tile, stone, glass block, carrera glass, or similar materials.                                                                                                                             |  |  |  |
| (E.) Artwork or Decorative Paving. The artwork may be freestanding or attached to the building, and may be in the form of mosaic mural, bas-relief sculpture, light sculpture, water sculpture, fountain, freestanding sculpture, art in pavement, or other similar artwork.                                                                                                                                                                                  |  |  |  |



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|                                                                                                                                                                                                                                                                                                                                                      |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (iii) Avoid the use of building features or design elements that incorporate corporate themes, logos, or colors which do not reflect the neighborhood and community context.                                                                                                                                                                         |
| (iv) High-quality and natural materials and methods should be used to accent visible building features (i.e., wood, stone, brick, etc.). Building design should incorporate and display the natural grain or texture of materials. Wood-textured cementitious fiber board is also a preferred alternative to wood products for commercial buildings. |
| (v) Colors used on building exteriors should integrate a building's various design elements or features.                                                                                                                                                                                                                                             |
| (vi) Accent colors should use color combinations that complement each other.                                                                                                                                                                                                                                                                         |
| (vii) Softer, muted or earth-toned colors are preferred; however, brighter colors may be approved when contextually appropriate.                                                                                                                                                                                                                     |
| (viii) Use accent colors in a way to enhance or highlight building design, and not in a manner that creates clutter or otherwise detracts from building design                                                                                                                                                                                       |

| <b>21.60.040(B)(5) Multiple Building Design</b>                                                                                                                                                                                                                                |  |  |  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|--|
| (a) <i>Intent.</i>                                                                                                                                                                                                                                                             |  |  |  |
| To promote integrated multiple-building development that is coordinated with and enhances the surrounding built and natural environment, and is organized to meet the goals of Redmond's development regulations.                                                              |  |  |  |
| (b) <i>Design Criteria</i>                                                                                                                                                                                                                                                     |  |  |  |
| (i) Orient buildings to retain and offer views to, from, and through the site, where identified as public view corridors or shoreline views, by taking advantage of topography, building location, and style.                                                                  |  |  |  |
| (ii) Buildings in groups should be related by common styles, materials, roof shapes, or other common or distinctive architectural element. Contrast should be provided by the use of varied materials, color, architectural detailing, building orientation, or building type. |  |  |  |
| (iii) Consider solar orientation and climate in siting buildings to promote energy conservation.                                                                                                                                                                               |  |  |  |
| (iv) Consider site design that minimizes clearing and grading and other disruptions to the natural character of the site.                                                                                                                                                      |  |  |  |
| (v) Use site and building design for safety techniques described in RZC 21.60.040(B)(7).                                                                                                                                                                                       |  |  |  |
| (vi) Orient buildings, entries, and activities to                                                                                                                                                                                                                              |  |  |  |

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| encourage use of outdoor areas and streets.                                                                                                                                                                                 |  |  |  |
| (vii) Maintain adequate space between buildings to allow for landscaping or buffering. Avoid creating fragmented and unrelated landscape strips and edging.                                                                 |  |  |  |
| (viii) In residential developments, incorporate open space, privacy, and separation, while maintaining safety, from adjacent units through careful location of building entrances, windows, fences, walls, and landscaping. |  |  |  |

#### 21.60.040(6) Blank Walls

|                                                                                                                                                                                                                                                                                               |  |  |  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|--|
| <b>(a) Intent.</b>                                                                                                                                                                                                                                                                            |  |  |  |
| To reduce the appearance and mass of large walls through the use of various architectural and landscaping treatments.                                                                                                                                                                         |  |  |  |
| <b>(b) Design Criteria.</b>                                                                                                                                                                                                                                                                   |  |  |  |
| (i) Avoid the use of large, blank walls.                                                                                                                                                                                                                                                      |  |  |  |
| (ii) All blank walls <b>shall</b> be treated in one or more of the following ways:                                                                                                                                                                                                            |  |  |  |
| (A.) Installing windows or a vertical trellis in front of the wall with climbing vines or plant materials;                                                                                                                                                                                    |  |  |  |
| (B.) Providing a landscaped planting bed at least five feet, zero inches, wide or raised planter bed at least two feet, zero inches, high and three feet wide in front of the wall, with plant materials that obscure or screen at least 50 percent of the wall's surface within three years; |  |  |  |
| (C.) Providing artwork (mosaic, mural, sculpture, relief, etc.) over at least 50 percent of the blank wall surface;                                                                                                                                                                           |  |  |  |
| (D.) Proposing alternative techniques or by providing an architectural justification for the blank wall as part of the Design Review process.                                                                                                                                                 |  |  |  |

#### 21.60.040(7) Building Design for Safety

|                                                                                                                                                                   |  |  |  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|--|
| <b>(a) Intent</b>                                                                                                                                                 |  |  |  |
| To promote building designs which increase safety of employees, residents and visitors.                                                                           |  |  |  |
| <b>(b) Design Criteria.</b>                                                                                                                                       |  |  |  |
| (i) Building design should allow for informal observation of exterior semi-public and public areas including play areas, open spaces, pathways, and parking lots. |  |  |  |
| (ii) Areas such as laundry rooms and fitness rooms should incorporate windows to increase visibility                                                              |  |  |  |



# DESIGN STANDARDS – INTENT

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- (iii) Doors to stairways, parking, and similar areas should be open or have windows to allow users to see through to the other side.
- (iv) Increase personal safety by considering the following in the design of building entries.
  - (A.) Avoid hidden building entries and ensure good sight lines into entries.
  - (B.) Sufficiently light doorways and alcoves.
- (v) When security surveillance devices are proposed, they should be designed to blend with the site and buildings to the extent possible.

## (C) Landscaping

### 21.60.040(C)(1) Planting Design

#### (a) Intent.

- (i) Planting design is an integral part of the overall site and community design and should complement the architecture, other site elements and the visual appearance of the neighborhood, as well as the Northwest environment. The landscape plan should help reduce impacts to and create a transition to adjacent natural features, such as critical areas and shorelines. The landscape plan should be based on a well-defined concept addressing criteria for function, design, horticulture, maintenance, and irrigation.
- (ii) The planting design should be a composition of plant materials that creates an appropriate visual character, such as stylized, formal, informal, or natural. The design should include a suitable combination of trees, shrubs, groundcover plants, vines, lawns and herbaceous material, including native and Northwest-adapted plants. The number, size and arrangement should be carefully selected to balance color, texture, form, line, proportion, and scale in both the horizontal and vertical plane.

#### (b) Design Criteria

- (i) Retention and Enhancement of Existing Vegetation. Preserve as much native noninvasive vegetation as possible, particularly adjacent to buffers of critical areas and shorelines. Replant developed areas with stands of non-dwarf evergreens in natural and random patterns where possible.
- (ii) Usable Open Space and Public View Corridors. Provide space on site for active or passive recreational purposes. When located in an identified public view corridor, this open space may also provide views through a development to important features, such as the Lake Sammamish, Sammamish River, and the river valley; Bear

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Creek; or panoramic mountain views.

(iii) Transition. Provide plantings that provide a clear transition in design between adjacent sites, within a site, and from native vegetation areas. To lessen impacts and provide transitions to natural areas, use native plants as much as possible adjacent to the buffers of critical areas and shorelines. Design foundation plantings to create an effective change from public to private space and from the vertical to horizontal plane at building edges.

(iv) Mitigation of Adverse Visual Impacts. Provide planting to soften the visual impact of less desirable development and structures, such as large blank walls, dumpster areas, service areas, and large areas of pavement.

(v) Definition or Emphasis. Use planting to highlight significant site features and to define site use areas and circulation corridors without interfering with the use of such areas. Examples include site and building entrances, pedestrian walkways, and focal points, such as gathering areas or plazas.

(vi) Safety. Use planting landscaping which minimizes disruption of sight lines along pathways.

(vii) Water Conservation. Plants and techniques that reduce water consumption are encouraged.

(viii) Design. Plants should be selected and arranged according to the following design criteria:

(A.) Variety. Select a variety of plants providing interest, accent and contrast, using as many native species as possible.

(B.) Consistency. Develop a planting design conforming to the overall project design concept and adjoining properties.

(C.) Appropriateness. Select plants with an awareness of their growth requirements, tolerances, ultimate size, preferences for soil, climate and sun exposure, and negative impacts.

(D.) Density. Provide adequate plant quantity, size, and spacing to fulfill the functional and design objectives within the stipulated time.

### 21.60.040(C)(2) Parking Lot Landscaping

#### (a) Intent.

(i) To improve the aesthetic appearance of parking lots;

(ii) To reduce the summertime heat and glare buildup within and adjacent to parking lots;

(iii) To provide landscaped areas within parking areas

| DESIGN STANDARDS – INTENT                                                                                                                                                                                                                                                                                                                                                                                                              |  | Significant Design Issue<br>Achieved or Not<br>Applicable |                          | COMMENTS |
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| See RZC Article III for the complete text of the Intent Statements and Design Criteria. The Design Criteria are suggested methods to achieve the intent.                                                                                                                                                                                                                                                                               |  | Applicant<br>Evaluation                                   | City Staff<br>Evaluation |          |
| in addition to landscape buffers around the perimeter of parking lots;                                                                                                                                                                                                                                                                                                                                                                 |  |                                                           |                          |          |
| (iv) To provide screening and break up the expanse of paved areas.                                                                                                                                                                                                                                                                                                                                                                     |  |                                                           |                          |          |
| <b>(b) Design Criteria.</b>                                                                                                                                                                                                                                                                                                                                                                                                            |  |                                                           |                          |          |
| (i) Cluster interior parking lot landscaping when possible to conserve significant portions of existing tree cover as an amenity to the site. (See also Chapter 21.30 RZC, Landscaping.)                                                                                                                                                                                                                                               |  |                                                           |                          |          |
| (ii) Disperse interior parking lot landscaping throughout a parking lot when no significant existing vegetation exists.                                                                                                                                                                                                                                                                                                                |  |                                                           |                          |          |
| (iii) Shade trees <b>shall</b> be used to shade parking lots and driveways to reduce summer heat loads.                                                                                                                                                                                                                                                                                                                                |  |                                                           |                          |          |
| (iv) Provide landscaped areas within parking areas in addition to landscape buffers around the perimeter of parking lots to effectively screen vehicles.                                                                                                                                                                                                                                                                               |  |                                                           |                          |          |
| (v) All parking lots <b>shall</b> be planted with sufficient trees so that within 10 years 50 percent of the surface area of the lot is shaded. Additionally, parking lots <b>shall</b> be screened from streets by non-bermed landscaped treatments.                                                                                                                                                                                  |  |                                                           |                          |          |
| <b>(D) Accessory Standards.</b>                                                                                                                                                                                                                                                                                                                                                                                                        |  |                                                           |                          |          |
| <b>21.60.040(D)(1) Screening for Garbage/Recycling Enclosures and Rooftop Mechanical.</b>                                                                                                                                                                                                                                                                                                                                              |  |                                                           |                          |          |
| <b>(a) Intent.</b>                                                                                                                                                                                                                                                                                                                                                                                                                     |  |                                                           |                          |          |
| (i) To reduce the visual and physical impacts of service areas, mechanical equipment, trash and recycling containers, and other similar uses on other on-site uses, the street environment, adjacent shoreline areas and other public open spaces, and adjacent properties, while maintaining accessibility for service providers and users.                                                                                           |  |                                                           |                          |          |
| (ii) To mitigate the off-site visual impacts of service and mechanical equipment areas when siting alone does not adequately mitigate impacts.                                                                                                                                                                                                                                                                                         |  |                                                           |                          |          |
| <b>(b) Design Criteria</b>                                                                                                                                                                                                                                                                                                                                                                                                             |  |                                                           |                          |          |
| (i) Services and outdoor storage areas, large utility cabinets and mechanical equipment, and waste receptacles (trash dumpsters, compactors, and mechanical equipment) <b>shall</b> be located away from highly visible areas, such as streets, pedestrian walkways, and public shoreline areas, to minimize visual, noise, or physical impacts on the site, street environment, adjacent public open spaces, and adjacent properties. |  |                                                           |                          |          |



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| (ii) All garbage receptacles and recycling bins not located within parking garages <b>shall</b> be enclosed by a freestanding enclosure that is architecturally consistent with the building. Locate waste receptacles in areas convenient for on-site use and accessible for collection.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                      |                                             |
| (iii) Service elements and outdoor storage areas (dumpsters, refuse, and recycling collection areas) <b>shall</b> be screened from view with a solid visual barrier using materials and colors consistent with the design of the primary structure(s) on the site and at a minimum <b>shall</b> be as high as the service element being screened. Utility cabinets and small-scale service elements may be screened with landscaping or structures.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                      |                                             |
| (iv) All mechanical equipment, including air conditioners, heaters, vents and similar equipment, rooftop and ground-mounted, <b>shall</b> be fully screened from public view both at grade and from higher buildings with the exception of solar panels and roof-mounted wind turbines. Screening <b>shall</b> be located so as not to interfere with operation of the equipment. All mechanical equipment <b>shall</b> meet the applicable requirements of the Uniform Mechanical Code and Uniform Plumbing Code and: <p>(A.) The screening materials <b>shall</b> be of material requiring minimal maintenance and <b>shall</b> be as high as the equipment being screened.</p> <p>(B.) For ground-mounted equipment, landscaping may be used if a solid screen is provided at time of planting.</p> <p>(C.) For rooftop equipment all screening devices <b>shall</b> be well integrated into the architectural design through such elements as parapet walls, false roofs, roof wells, clerestories, or equipment rooms. Screening walls or unit-mounted screening is allowed but less desirable. Wood generally <b>shall</b> not be used. Louvered designs are acceptable if consistent with building design style.</p> |                                                                                      |                                             |
| (v) Design screening with consideration of views from adjoining hillsides and from other areas of high public visibility, such as streets and shoreline areas, with special consideration for views from SR 520, Redmond Way, other major arterials, Marymoor Park, and the Sammamish River Trail.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                      |                                             |
| (vi) Design and select landscaping and structural materials of sufficient size, quantity, and height to effectively screen service elements and to make                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                      |                                             |



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those elements meet the requirements of (c) above.

(vii) Screening should incorporate landscaping.

(viii) All utility meters **shall** be fully screened from view from a public right-of-way. If enclosed in cabinets visible from public rights-of-way, exterior surfaces **shall** be finished with material compatible and complementary to the architecture of the building.

(A.) Screening structures **shall** comply with the Building Code and a building permit may be required. Applicants may wish to contact the Building Division for all requirements.

### 21.60.040(D)(2) Storm Water Facilities.

#### (a) Intent.

(i) To provide options for storm water facilities that are visually attractive;

(ii) To incorporate open storm water facilities into project site design and landscaping as a design amenity for active or passive recreation;

(iii) To avoid potential hazards between persons and storm water facilities.

#### (b) Design Criteria.

(i) Design storm water facilities to appear as naturally occurring features.

(ii) Storm water facilities **shall** be designed to address the following:

(A.) Incorporate screening elements and landscaping into biofiltration swale design so the swale is located and designed as an attractive landscaping feature.

(B.) The swale or pond **shall** be oriented so it does not impede pedestrian circulation or shared parking between two or more properties.

(C.) Trees may be planted near biofiltration swales as long as they are a minimum of eight feet from the swale and they will not inhibit vegetative growth within the swale.

(D.) Drainage swales **shall** be planted with shrubs or grasses (sedges, for example) which are tolerant to standing water or wet conditions.

(E.) Pedestrian bridges are acceptable where such crossings are necessary.

(F.) Incorporate landscaping and screening to visually enhance the swale without reducing maintainability and sun exposure.

(G.) Adjacent to natural shoreline areas, above-ground stormwater facilities **shall** be

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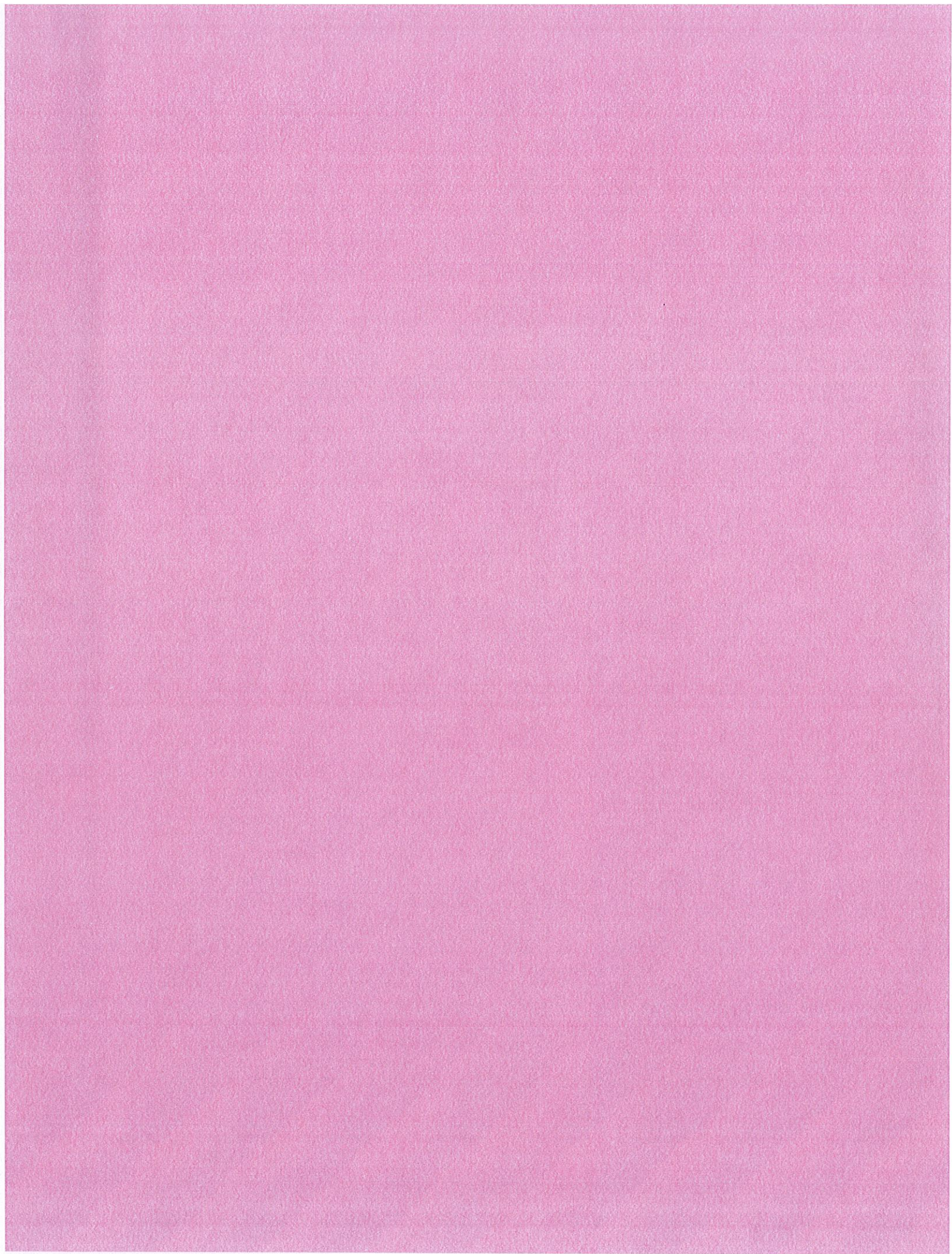
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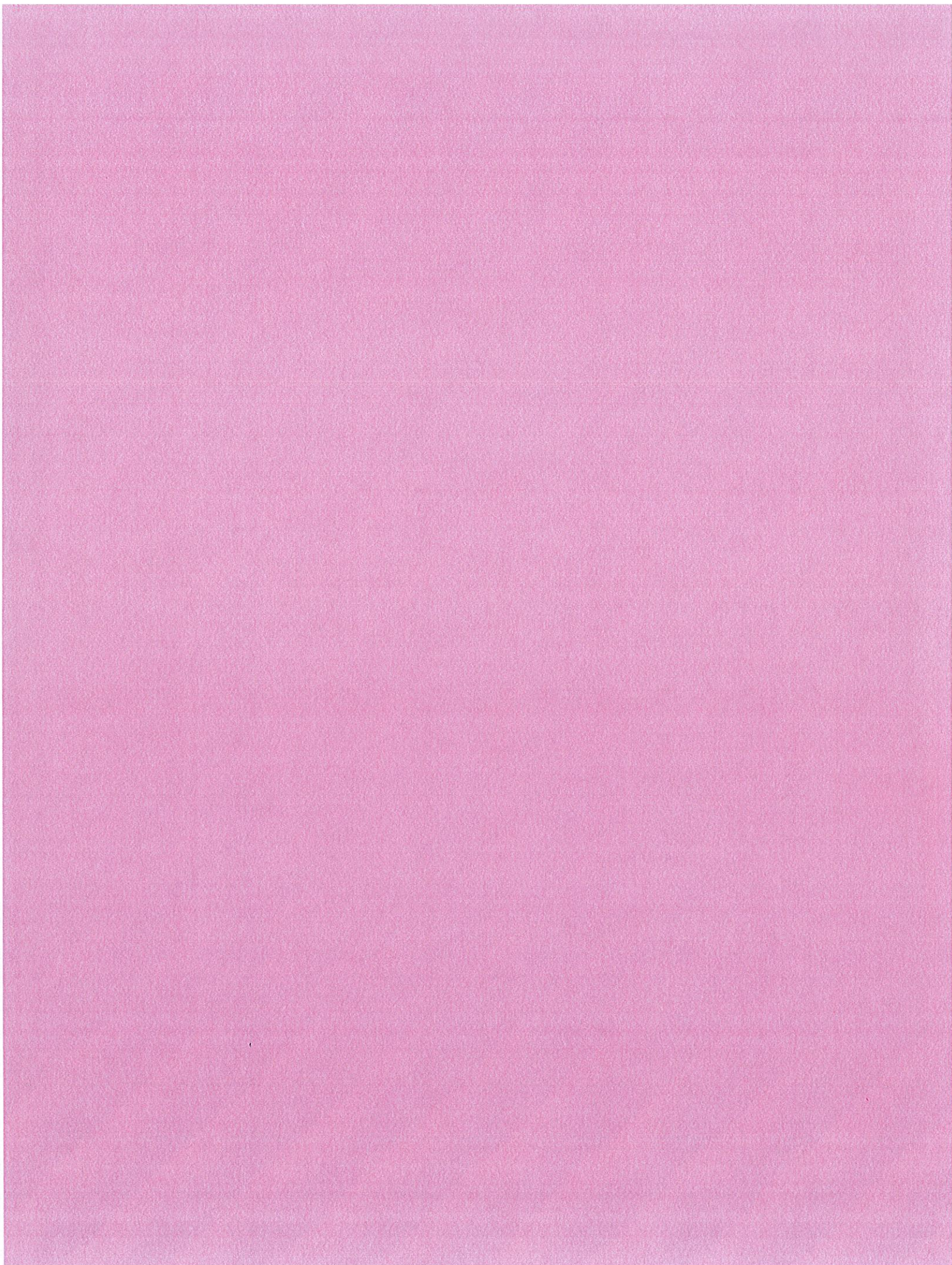
landscaped with native plants, and should include snags, nest boxes or other habitat features as appropriate for the scale, function and location of the facility.

O:/steven/land use group/design checklist-new 2012.doc











# DRAFT DEVELOPMENT STANDARDS & DESIGN GUIDELINES

June 1, 2018

Prepared by Davis Studio Architecture + Design and Wenzlau Architects

## DEVELOPMENT STANDARDS

The following Guidelines shall be followed for the creation of short and long subdivisions.

### A) NATURAL AREAS

Consistent with the Critical Areas and preservation of island character, all site plans shall protect related sensitive areas and existing forest stands consistent with dimension standards. Natural areas must be permanently protected with deed restrictions. Natural areas may be within proposed lots and shall be designated with similar deed, covenants or easement. Natural areas are not required to be public.

- 1) Natural Space requirement shall vary based upon zone.
- 2) Sites without Critical Areas, shall achieve minimum percentage natural areas through protection of forested areas.
- 3) Sites where Critical Areas and forested areas do not meet minimum natural area requirement, one or a combination of the following Natural Area Options is required:
  - a. Site Restoration
  - b. Creation or preservation of farmland
  - c. Creation or preservation of existing meadows or natural features
- 4) Sites may utilize options 2) a, b, c to achieve minimum percentage where ARPA is less than 65%.
- 5) Natural Area Options shall be limited to areas outside of Homesites, and shall be subject to same protections as Natural Areas.
- 6) Area associated with and Tree protection zone shall count towards minimum Natural Area requirement.
- 7) Constructed wetlands (for management of stormwater, when consistent with design guidelines, shall be considered Natural Areas when located within existing clearing. Ponds may be located within Community Space within R-0.4 zones.
- 8) Natural Area minimum within the MUTC may be achieved by compliance with tree retention requirements.
- 9) Trail access, along with future off site trail access, which connects to adjacent neighborhoods or open spaces shall be permanently dedicated for public use.

### B) COMMUNITY SPACES

To promote community interaction within neighborhoods, proposed site design shall include community spaces. Community Space can include active and passive recreation spaces, areas for food production, etc. Community spaces may be within proposed lots and shall be permanently designated for use by all community members with deed, covenants or easement. Community areas are not required to be public.

- 1) Community space requirement shall vary based upon zone.
- 2) Community space may be located within lots, but must be outside of Homesites.



- 3) Trail access, along with future off site trail access, which connects to adjacent neighborhoods shall be permanently dedicated for public use.

#### DESIGN GUIDELINES

The following Guidelines shall be followed for the creation of all subdivisions. The applicant will need to show to staff, the Design Review Board and the Planning Commission, how each of these Guidelines have been addressed in the preliminary design phases of a project prior to the Pre-Application. The Guidelines will include specific criteria to identify intent and set basis for compliance.

##### A) NATURAL ENVIRONMENT

1. Preserve Natural Areas

Intent: To preserve existing natural areas including forests and other significant natural features.

Guideline: Site design shall integrate preservation of forests, natural features or proposed alternatives into community design.

2. Farmlands and Meadows

Intent: To preserve the rural character of fields and meadows

Guideline: Meadows and farmlands shall be counted as part of natural areas.

3. Site Restoration

Intent: Restore ecological functions to disturbed areas.

Guideline: Sites where Natural Areas are less than minimum requirement may restore previously disturbed or non-native conditions with site restoration. Restoration Areas shall achieve predevelopment infiltration conditions with soil amendments and native planting. Community spaces, where compacted during development, shall have soil amended to predevelopment conditions.

4. Recognize Special Trees

Intent: Protect special trees

Guideline: Special trees located outside of natural areas shall be protected.

5. Natural Storm Ponds

Intent: Constructed wetlands to manage stormwater shall appear as natural feature.

Guideline: Constructed wetlands shall be designed with shallow slopes and native vegetation to appear as natural feature. Fencing where used shall be visually open and less than 3'6" tall.

Constructed wetlands may be considered as natural Space when located within existing clearing.

6. Integrated Infiltration

Intent: Integrate infiltration (septic and stormwater)

Guideline: Emphasis shall be given to integration of surface infiltration strategies including dispersion systems, raingardens, pervious paving and natural ponds.

7. Wildlife Corridors

Intent: To preserve wildlife corridors

Guideline: Where wildlife corridors are mapped Natural Areas shall be connected to adjacent off-site natural areas to allow for wildlife corridors.

## B) SITE DESIGN

### 8. Community Spaces

Intent: Promote community interaction/connection with use of outdoor spaces

Guideline: Community space(s) shall be centrally located with adjacency to majority of the Homesites. Types of preferred spaces include central greens, pea patches, gardens, orchards, play fields etc.

### 9. Community Buildings - option

Intent: To provide indoor community space for shared activities, if desired

Guideline: Create commons building within the Community Space for workshop, tool storage, social gatherings, etc. Community Buildings.

### 10. Solar Access

Intent: Ensure daylight is allowed to Homesites for energy production and well-being.

Guideline: Homesites shall be oriented in relation to clearing to provide solar access.

### 11. Cluster Homesites

Intent: To promote community connection and reduce development impact, Homesites shall be located into discrete groupings.

Guideline: Homesites shall be located with maximum separations from adjacent Homesites, this will vary by zone.

### 12. Neighborhood Groups

Intent: To create smaller groupings of homes within larger scaled communities

Guideline: Projects with more than 10 homes shall create separate Homesite Cluster with its own Community Space. Neighborhood Cluster shall be no less than 4 homes.

### 13. Trail Connections

Intent: To create connections between neighborhoods

Guideline: Projects shall provide a pedestrian connection through the site to adjacent established trails. Sites without adjacent trails shall provide public easement identifying potential future trail connections.

### 14. Internal Pathways

Intent: To provide safe walking routes within communities

Guideline: Each project shall establish a network of walking paths which connect Homesites to Community and Natural Spaces.

### 15. Local Food Production – option

Intent: Facilitate local food production with community gardens

Guideline: Community spaces can include areas for pea patches, community garden or farm

### 16. Natural Edges

Intent: To avoid fenced rear yards facing public ROW.

Guideline: For site where rear yards face the existing public street, the rear fence line shall be set back a minimum of 15' and planted with full screen buffer on the street side of the fence. The fence shall be open and limited to 3'-6" tall.

17. Facing Public Ways

Intent: To reinforce neighborliness of homes facing the street

Guideline: Homes along public streets shall have their entry oriented to the street. Porches and outdoor spaces are encouraged. Fencing shall be limited to 3'-6" maximum height. Homes on corner lots may face side yard to street. Rear facades are not allowed to Face ROW unless Natural Edge is provided.

18. Minimize Driveways

Intent: In order to minimize driveway paving, garages are allowed to be located close to access way.

Guideline: Where garages are located within a Homesite, the garage may be located adjacent to the access way, when it is balanced by adjacent open entry space of equal width, providing access to the front entry.

19. Recognize Historic and Cultural Resources

Intent: Sites should identify and preserve historic and cultural resources

Guideline: Site plans shall preserve or recognize with appropriate signage, features determined to be of historic or cultural significance by local experts.

C) REDUCED SITE IMPACTS

20. Narrow Roadways

Intent: Reduce impervious surfaces by using minimum road length and width

Guideline: Site design shall utilize 12' road surface with pull outs unless wider standard is required. Shared parking and roads serving multiple Homesites is encouraged.

21. Clustered Parking

Intent: Reduce impervious surfaces by eliminating roadways and driveway associated with homesite.

Guideline: Remote, clustered parking is encouraged to reduce impervious surfaces. A landscaped island shall be provided between each 7 parking spaces. Covered parking, if provided, is limited to 7 spaces per building.

22. Limit Area of Disturbance

Intent: to reduce disturbance of natural areas

Guideline: Areas of construction activity shall be limited to homesites. Activity in community areas is limited to footprint approved improvements. During construction perimeter of all homesites and development areas shall be fenced with 6' tall construction fencing.

23. Innovative Septic

Intent: Septic Systems: need to meet County Health Department standards.



Guideline: If permitted by the Health Department Septic fields are not required to be located on individual lots and can be located in community spaces or appropriate natural spaces. Also, community septic systems should be encouraged, if permitted.

#### D) HOMESITES

##### 24. Homesite Footprint

Intent: To create flexible building site for home, outdoor spaces, vehicle parking (where applicable)

Guideline: Applicant shall establish homesite footprint within allowable size and coverage which provides flexibility to accommodate desired range of home sizes and layouts.

##### 25. Varied Home Design

Intent: to provide a range of house designs to add visual interest

Guideline: The home designs shall be varied in floor plan, elevations and massing to achieve a minimum of 1 plan for each 4 homes. Homes shall be dispersed within the neighborhood. Home types are encouraged to have a cohesiveness to the overall design.

##### 26. Housing Diversity

Intent: to provide a range of household sizes and affordability

Guideline: The house sizes shall be varied such that 20% for the homes must be 25% smaller than average home size and 20% may be 25% larger than average home size.

##### 27. Useable Sideyards

Intent: To ensure useable spaces between buildings

Guideline: When homes are separated by less than 10', the average setback shall be not less than 10' to ensure the spaces are usable and allow for greater solar access. No average shall apply to attached homes.

##### 28. Sustainability

Intent: to ensure site planning supports strategies for sustainability

Guideline: all homes and community buildings should be designed to reduce their environmental footprint, reducing consumption of limited resources and be built to high levels of sustainability standards, supported by City-wide green building code.

#### DEVELOPMENT & DIMENSIONAL STANDARDS

The following changes to the standards are recommended to implement Design Principles and Design Guidelines. The code update will include modifications to the Dimensional Standards Table 18.12.020 based upon the specifics of each zoning designation, see attached exhibit.

1. Natural Space is required
2. Community Space is required
3. Parking may be located outside of individual lots
4. Lots may be separated from public ROW or private access ways.
5. Maximum Homesite, no minimum-maximum lot size unless set by Kitsap County Health
6. No maximum lot coverage (will be controlled by maximum homesite coverage)

7. Subdivision within MUTC is allowed
8. Zero lot line is allowed

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